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इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह ग्रन्ति संकलन के रूप में रखा जा सके

Separate paging is given to this part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और प्रधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administration of Union Territories)

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

नई दिल्ली, 29 दिसम्बर, 1972

New Delhi, the 29th December, 1972

आदेश

ORDER

का. आ. 318.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 का हुए तमिलनाडु विधान सभा के निर्वाचन के लिए 190-पेरावुरानी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एस. चैलीहा नड्वी कोट्टाय पोस्ट पट्टूकोट्टाय तालुक, थेंजावुर ज़िला (तमिलनाडु) लांक प्रतीर्निधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीत से अपने निर्वाचित व्यक्तियों का लेखा द्वारिकरण करने में असफल रहे हैं,

आं०, यतः, उक्त उम्मीदवार ने, उसे सम्बन्ध सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं किया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसार में निर्वाचन आयोग द्वारा उक्त श्री एस. चैलीहा को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सम्बन्ध लड़ने जाने और होने के लिए इस आदेश की सारी व्यवस्था से तीन वर्ष की कालावधि के लिए निर्विवृत घोषित करता है।

[सं. तमिलनाडु-वि. स./190/71(36)]

S.O. 318.—WHEREAS the Election Commission is satisfied that Shri S. Chelliah, Naduvikottai Post, Pattukottai Taluk, Thanjavur District (Tamil Nadu), a contesting candidate for election to the Tamil Nadu Legislative Assembly from 190-Peravurani constituency, held in March, 1971 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. Chelliah to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/190/71(36)]

नई दिल्ली, 30 फ़िसार, 1972

आष्टश

का. आ. 319.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तमिलनाडू विधान सभा के निर्वाचन के लिए 205-सत्तूर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पी. सौलायमलाइ, पृष्ठपट्टी (वाया) बेनमेनी, रामानाथपुरम जिला (तमिलनाडू) लोक प्रतीनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं,

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, आँर निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री पी. सौलायमलाइ के संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने आँर होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीहत घोषित करता है।

[तमिलनाडू-वि. स./205/71(34)]

New Delhi, the 30th December, 1972

ORDER

S.O. 319.—WHEREAS the Election Commission is satisfied that Shri P. Solaimalai, Pudupatti, (via) Nenmeni, Ramana-thapuram District (Tamil Nadu), a contesting candidate for election to the Tamil Nadu Legislative Assembly from 205-Sattur constituency, held in March, 1971 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri P. Solaimalai to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/205/71(34)]

आष्टश

का. आ. 320.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तमिलनाडू विधान सभा के निर्वाचन के लिए 222-श्रीवायाकन्तम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टी. नटराजन, 42-दीक्षण मुधारामनकोड़ेल स्ट्रीट, श्रीवायाकन्तम तिरुनलवैल जिला (तमिलनाडू) लोक प्रतीनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं,

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, आँर निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री टी. नटराजन के संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने आँर होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीहत घोषित करता है।

[सं. तमिलनाडू-वि. स./222/71(33)]

ORDER

S.O. 320.—WHEREAS the Election Commission is satisfied that Shri T. Natarajan, 42, South Mutharammankoil Street, Srivakuntam, Tirunelveli District, Tamil Nadu, a contesting candidate for election to the Tamil Nadu Legislative Assembly from 222-Srivakuntam constituency, held in March, 1971 has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri T. Natarajan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/222/71(33)]

नई दिल्ली, 3 जनवरी, 1973

आष्टश

का. आ. 321.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तमिलनाडू विधान सभा के निर्वाचन के लिए 208-श्रीवाकासी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के. मधु. नाइर, 4-1-27के, अमनकोड़ेलपट्टी, श्रीवाकासी दीक्षण रेलवे, रामनाथपुरम जिला (तमिलनाडू) लोक प्रतीनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं,

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, आँर निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के. मधुनाइर के संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने आँर होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीहत घोषित करता है।

[सं. तमिलनाडू-वि. स./206/71 (35)]

New Delhi, the 3rd January, 1973

ORDER

S.O. 321.—WHEREAS the Election Commission is satisfied that Shri K. Muthu Nadar, 4-1-27A, Ammankoilpatti, Sivakasi, S. Rly. Ramanathapuram District, (Tamil Nadu), a contesting candidate for election to Tamil Nadu Legislative Assembly from 206-Sivakasi constituency, held in March, 1971 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Muthu Nadar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/206/71(35)]

नई दिल्ली, 6 जनवरी, 1973

आदेश

का. आ. 322.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तीमिलनाडू विधान सभा के निर्वाचन के लिए 11-अलिपुर द्वारास निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम चन्द्र राय सरकार, पौ-ग्राम. सालक, मराहट, जिला जलपायागरी पश्चिम बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित रीति से अपने निर्वाचन व्यायों का लेखा दाखिल करने में असफल रहे हैं;

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम चन्द्र राय सरकार को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्हस्त घोषित करता है।

[सं. पं. अ.पि. स./11/71(16)]

New Delhi, the 6th January, 1973

ORDER

S.O. 322.—WHEREAS the Election Commission is satisfied that Shri Ram Chandra Ray Sarkar, P.O. and Village Sal-kumharhat, District Jalpaiguri, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 11-Alipurduars constituency, held in March, 1971 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Chandra Ray Sarkar to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB/LA/11/71(16)]

आदेश

का. आ. 323.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तीमिलनाडू विधान सभा के निर्वाचन के लिए 198-मुद्रक, लालूर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री आर. राधीना थेवर, क.न्डक, नम, पुड़क्कटटाय पा. (वाया) कामुरी, रामगाथपुरम जिला, (तीमिलनाडू) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित रीति से अपने निर्वाचन व्यायों का लेखा दाखिल करने में असफल रहे हैं,

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री आर. राधीना थेवर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्हस्त घोषित करता है।

[सं. तीमिलनाडू-पि. स./198/71(37)]

ORDER

S.O. 323.—WHEREAS the Election Commission is satisfied that Shri R. Rathina Thevar, Kundukulam Pudukottai P.O. (Via) Kamuthi, Ramanathapuram District (Tamil Nadu), a contesting candidate for election to the Tamil Nadu Legislative Assembly from 198-Mudukulathur constituency, held in March, 1971 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri R. Rathina Thevar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/198/71(37)]

नई दिल्ली, 9 जनवरी, 1973

आदेश

का. आ. 324.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए तीमिलनाडू विधान सभा के निर्वाचन के लिए 98-चाकमंड निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री योषन, गोडगमांड स्टेट, क्वेलाक्कमावाई पा., नीलीगिरी (तीमिलनाडू) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित रीति से अपने निर्वाचन व्यायों का लेखा दाखिल करने में असफल रहे हैं,

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जी. योषन को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्हस्त घोषित करता है।

[सं. तीमिलनाडू-पि. स. 198/71(38)]

New Delhi, the 9th January, 1973

ORDER

S.O. 324.—WHEREAS the Election Commission is satisfied that Shri G. Yovan, Greigmore Estate, Kolacombai P.O., The Nilgiris (Tamil Nadu), a contesting candidate for election to the Tamil Nadu Legislative Assembly from 98-Ootacamund constituency, held in March, 1971 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri G. Yovan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN/LA/98/71(38)]

नई दिल्ली, 10 जनवरी, 1973

आवेदन

का. आ. 325.—यतः निर्वाचिन आयोग का समाधान हो गया है कि 1970 को हुए केरल विधान सभा के मध्यावधी निर्वाचन के लिए 14-नार्थ वाइर्नाड (अजगा), निर्वाचिन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ए. चप्पन, थाजे अनरीमीट्टम, कोट्टाधारा अमसोम, देसोम, पो. मादाक्कीमाला, साउथ वाइर्नाड लोक प्रतिनिधित्व अधीनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपरीक्षित अपने निर्वाचन व्ययों का एक उचित लेखा दाखिल करने में असफल रहे हैं।

और, यसः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचिन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायावित्य नहीं है।

अतः अब, उक्त अधीनियम की धारा 10-क के अनुसरण में निर्वाचिन आयोग एतद्वारा उक्त श्री ए. चप्पन को संसद के किसी भी संसद के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधी के लिए निरहित घोषित करता है।

[सं. केरल-प्र. सा./14/70]

आवेदन से,
ए. एन. सैन, सचिव।

Delhi, the 10th January, 1973

ORDER

S.O. 325.—Whereas the Election Commission is satisfied that Shri A. Chappan, Thazhe Anerimittam, Kottathara Amsom, Desom P.O., Madakkimala, South Wynad, a contesting candidate for the mid-term election to the Kerala Legislative Assembly held in 1970 from 14-North Wynad (ST) constituency, has failed to lodge a proper account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure; and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri A. Chappan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/14/70]

By Order,

A. N. SEN, Secy.

नई दिल्ली, 18 जनवरी, 1973

आवेदन

का. आ. 326.—यतः निर्वाचिन आयोग का समाधान हो गया है कि सन् 1972 को हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 279-निरसा सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नवल किशोर प्रसाद, ग्राम बाड़ाकच्चर बैनागरिया जिला धनबाद (बिहार) लोक प्रतिनिधित्व अधीनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपरीक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2. और यतः श्री नवल किशोर प्रसाद को भेजी गई सूचना अपरिदृत वापस आ गई है क्योंकि अभ्यर्थी के रहने का पता ज्ञात नहीं और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायावित्य नहीं है;

3. अतः अब, उक्त अधीनियम की धारा 10-क के अनुसरण में निर्वाचिन आयोग एतद्वारा उक्त श्री नवल किशोर प्रसाद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधी के लिए निरहित घोषित करता है।

[सं. बिहारनीव. सा./279/72(2)]

आदेश से,

वी. नागसुब्रामण्यन, सचिव।

Delhi, the 18th January, 1973

ORDER

S.O. 326.—Whereas the Election Commission is satisfied that Shri Nawal Kishore Prasad, R/o village Benagaria, P.O. Benagaria, District Dhanbad (Bihar) a contesting candidate for general election to the Bihar Legislative Assembly held in 1972 from 179-Nirsa assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder.

2. And Whereas the notices issued to Shri Nawal Kishore Prasad have been received back undelivered as the whereabouts of the candidate are not known and the Election Commission is satisfied that he has no good reason or justification for the failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Nawal Kishore Prasad to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for period of three years from the date of this order.

[No. BR-LA/279/72(2)]

By Order.

V. NAGASUBRAMANIAN, Secy.

New Delhi, the 27th January, 1973

CORRIGENDUM

S.O. 327.—In the judgment of the High Court of Judicature at Bombay, Nagpur Bench, published under Election Commission's notification S.O. 1864, dated the 27th April, 1972 in the Gazette of India, Part II-Section 3, Sub-section (ii), dated the 29th July, 1972 in the address of the respondent at Sr. No. 5, viz. Dattatraya, son of Appal Katti, appearing at page 2793, for "s/o Dr. Madhukarao Wasnik" substitute "c/o Dr. Madhukarao Wasnik".

[No. 82/MT/3(Nagpur)/71]

By Order,

I. K. K. MENON, Under Secy.

विधि तथा न्याय मंत्रालय
(न्याय विभाग)

नई दिल्ली, 31 जनवरी, 1973

नोटिस

का. आ. 328.—इसके द्वारा, लेखा प्रमाणक नियम (नोटेरीज रस्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री पूनम बन्द शोमचन्द्र शाह, एडवोकेट द्वारा पूर्णनिन्द एड कायनी, सोलिसिटर ट्रॉय गवर्नरमैट आफ गजरात "श्रद्धेय" हरिवास कालोनी, नवजीवन प्रेस रोड, शहमदाबाद-14 ने

उक्त नियमों के नियम 4 के अधीन, अहमदाबाद में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिए आवेदन पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में याद कर्वा अपेक्षित होते हैं तो वे इस नोटरी के प्रकाशित होने के बाद ही दिन के अन्तर नीचे हस्ताक्षर करने वाले को लिखकर भेज दिये जायें।

[सं. एफ. 22/36/72-न्यायिक]

कै. त्यागराजन, सूक्ष्म प्राधिकारी तथा उपसचिव।

MINISTRY OF LAW AND JUSTICE

(Department of Justice)

New Delhi, the 31st January, 1973

NOTICE

S.O. 328.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Purnachand Somchand Shah, Advocate, C/o Purnanand & Company, Solicitors to Government of Gujarat 'Shradhde' Haridas Colony, Navjivan Press Road, Ahmedabad-14 for appointment as a Notary to practise in Ahmedabad.

2. Any objection to the appointment of the said persons as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/36/72-Jus.]

K. THYAGARAJAN, Competent authority and Dy. Secy.

काम्यनी कार्य विभाग

नई विल्ली, 17 जनवरी, 1973

कै. आ. 329.—एकाधिकार एवं निवन्धनकारी व्यापार प्रथा अधिनियम 1969 (1969 का 54) को उप-धारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा मैसर्स गणेश फैरोकारीस्टेंस के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण पत्र संख्या 834/1972 विनांक 18 जनवरी, 1972) के निरस्तीकरण को अधिसूचित करती है।

[संख्या 22/7/72-एम.-2]

(Department of Company Affairs)

New Delhi, the 17th January, 1973

S.O. 329.—In pursuance of sub-section (3) of section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/S. GANESH FERRO-CASTINGS under the said Act (Certificate of Registration No. 834/1972, dated the 18th January, 1972).

[F. No. 22/7/72-M(II)]

कै. आ. 330.—एकाधिकार एवं निवन्धनकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा मैसर्स विष्णु, इन्डस्ट्रियल एन्टरप्राइजेज लि. के कथित अधिनियम पंजीकरण (पंजीकरण प्रमाण पत्र संख्या 841/1972, विनांक 23 फरवरी 1972) के निरस्तीकरण को अधिसूचित करती है।

[संख्या 22/16/72-एम.-2]

S.O. 330.—In pursuance of sub-section (3) of section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/S. VISHNU INDUSTRIAL ENTERPRISES LTD., under the said Act, (Certificate of Registration No. 841/1972, dated the 23rd February, 1972).

[F. No. 22/16/72-M(II)]

कै. आ. 331.—एकाधिकार एवं निवन्धनकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा मैसर्स कमलापल मांसीलाल के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण पत्र संख्या 753/1971, विनांक 8 जुलाई, 1971) के निरस्तीकरण को अधिसूचित करती है।

[संख्या 22/24/72-एम.-2]

एस बलरामन, अवर सचिव।

S.O. 331.—In pursuance of sub-section (3) of section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) the Central Government hereby notifies the cancellation of the registration of M/S. KAMLAJAPAT MOTILAL under the said Act (Certificate of Registration No. 753/1971, dated the 8th July, 1971).

[F. No. 22/24/72-M(II)]

S. BALARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व और वीमा विभाग)

नई विल्ली, 30 दिसम्बर, 1972

कै. आ. 332.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नवर्णित संस्था को वैज्ञानिक और औद्योगिक अनुसंधान, परिवहन, विहित प्राधिकारी द्वारा आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) के प्रयोगनां के लिए अनुमोदित किया गया है।

संस्था

पल्प एवं पेपर रिसर्च हाईस्टेट्यूट, रायगढ़ा

[सं. 252/फा. सं. 203/41/71-आई टी. ए. 2]

MINISTRY OF FINANCE

(Department of Revenue & Insurance)

New Delhi, the 30th December, 1972

S.O. 332.—It is hereby notified for general information that the institution mentioned below has been approved by Council of Scientific and Industrial Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION

PULP & PAPER RESEARCH INSTITUTE, RAYAGADA.

[No. 252/F. No. 203/41/71-ITA 2]

नई विल्ली, 4 जनवरी, 1973

आयकर

कै. आ. 333.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्न वर्णित संस्था, वैज्ञानिक और औद्योगिक अनुसंधान, परिवहन, विहित प्राधिकारी द्वारा आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) के प्रयोगनां के लिए अनुमोदित की गई हैं।

संस्था

श्री अर्यांद सोसाइटी, पांडुचेरी

[सं. 255/फा. सं. 203/41/71-आई टी. ए. 2]

New Delhi, the 4th January, 1973

INCOME-TAX

S.O. 333.—It is hereby notified for general information that the institution mentioned below has been approved by the Council of Scientific and Industrial Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION

SRI AUROBINDO SOCIETY, PONDICHERRY.

[No. 255/F. No. 203/43/71-ITA.2]

नई दिल्ली, 8 जनवरी, 1973

का. आ. 334.—सर्वसाधारण की जानकारी के लिए एतत्त्वाभारा यह अधिसूचित किया जाता है कि निम्न वर्तीत संस्था, भारतीय सामाजिक विज्ञान अनुसंधान परिषद, विहित प्राधिकारी द्वारा आधक अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (3) के प्रयोजनों के लिए अनुमोदित की गई है।

संस्था

ईन्स्टिट्यूट फार टेक्नो-इकोनॉमिक स्टडीज, मद्रास

[सं. 258/फा. सं. 203/37/72-आई दी ए 2]

टी. पी. भुनभुनवाला, उप-सचिव।

New Delhi, the 8th January, 1973

S.O. 334.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Social Science Research, the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION

INSTITUTE FOR TECHNO-ECONOMIC STUDIES, MADRAS

[No. 258/F. No. 203/37/72-ITA.II]

T. P. JHUNJHUNWALA, Dy. Secy.

शिवित मंत्रालय

(राजस्व और सीमा विभाग)

नई दिल्ली, 3 फरवरी, 1973

आवेदन

स्टाम्प

का. आ. 335.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उस शुल्क से, जो तरीमल नाड़ और द्वार्यांगक विकार निगम लिमिटेड, मद्रास द्वारा जारी किए जाने थाले एक करोड़ दस लाख रुपए के मूल्य के छिपांचरों पर उक्त अधिनियम के अधीन प्रभार्य है, एतद्वारा छूट देती है।

[सं. 5/72-स्टाम्प/फा. सं. 471/73/72-सीमा. 7.]

के. शंकररामन, अवर सचिव।

New Delhi, the 3rd February, 1973

ORDER
STAMPS

S.O. 335.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures of the value of one crore ten lakhs of rupees to be issued by the Tamil Nadu Industrial Development Corporation Limited, Madras are chargeable under the said Act.

[No. 5/72-Stamps/F. No. 471/73/72-Cus. VII]

K. SANKARARAMAN, Under Secy.

(स्टैम्पिंग विभाग)

नयी दिल्ली, 27 जनवरी, 1973

आवेदन

का. आ. 336.—कंकारी विनियमन अधिनियम, 1949 (1949 का 10 वां) की धारा 56 के खण्ड (य ख) के साथ पठित धारा 45 की उपधारा (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त धारा 45 की उपधारा (1) के अन्तर्गत भारतीय रिजर्व बैंक द्वारा दिये गये आवेदन-पत्र पर विवार करने के बावजूद कट्टवा संन्देल कार्पोरेटिव बैंक लिमिटेड। (जिसके पश्चात सहकारी बैंक कहा गया है) के सम्बन्ध में एतद्वारा 27 जनवरी, 1973 को बैंक का कारोबार बंद होने से लेकर 30 अप्रैल, 1973 तक और इस दिन को मिलाकर, अधिस्थगन आवेदन जारी करती है जिसके अनुसार अधिस्थगन आवेदन की अवधि के द्वारा सहकारी बैंक के विस्तृदध सभी कार्यालयों का शुल्क किया जाना अथवा शुल्क की गई कार्यालयों को जारी रखना स्थगित किया जाता है, परन्तु शर्त यह है कि उस प्रकार का स्थगन किसी भी प्रकार से बंगाल सहकारी संस्था अधिनियम, 1940 (1940 का 21 वां बंगाल अधिनियम) के अन्तर्गत परिवर्त बंगाल सरकार द्वारा प्रयोग में लाए जाने वाले उसके अधिकारों के प्रतिकूल न हो।

2. केन्द्रीय सरकार एतद्वारा यह निवेश भी देती है कि उस स्वीकृत अधिस्थगन की अवधि के द्वारा सहकारी बैंक भारतीय रिजर्व बैंक की लिखित रूप में अनुमति के बिना क्वोर्ड क्लॅप अधिकार अधिग्रहण नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और दैन-नारीरों के सम्बन्ध में अथवा अन्यथा किसी प्रकार की अवायगी नहीं करेगा एवं अद्यायगी करना स्वीकार नहीं करेगा या किसी प्रकार का समझौता अथवा ठहराव नहीं करेगा, किन्तु वह निम्नलिखित तरीके से और निम्नलिखित सीमा तक यथास्थित अवायगियां अथवा खर्च कर सकेगा।

(1) प्रत्येक बचत बैंक अथवा शालू खाते अथवा किसी भी नाम से पूकारे जाने वाले किसी अन्य जमा खाते में शेष रकम में से निम्नलिखित राशी तक :—

जमा रकम	शेष रकम
50 रुपये तक	पूरा
50 रुपये से अधिक	जमा का 10 प्रतिशत अथवा 50 रुपये जो भी अधिक हो :

वशतांकी अवा की गयी रकम की कुल राशी किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम में खाते में जमा कुल राशी के 10 प्रतिशत से अधिक अथवा 50 रुपये, इनमें जो भी अधिक हो, उससे ज्यादा न हो। यह भी शर्त है कि ऐसे किसी व्यक्ति को

कोई रकम अदा नहीं की जायेगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो;

- (2) ऐसे किसी बैंक ड्राफ्ट, पै-आर्डर अथवा चेंकों की राशी जो सहकारी बैंक ने उस तारीख को जारी कर दिये हैं और अदा किये जाने हैं जिस तारीख को स्थगन आदेश लाग दोता है;
- (3) 27 जनवरी, 1973 को अथवा उससे पूर्व भुगतान के लिए प्राप्त हुए इन्डियां और उस तारीख से पहले, उस तारीख के आ उस तारीख तो बाद वसूल की गयी हुए इन्डियां की राशियां;

- (4) ऐसा कोई व्यय जो किसी सहकारी बैंक के द्वारा अथवा उसके वित्तन्ध दायर किये गये मुकदमे, अपील, अथवा सह कारी बैंक द्वारा ली गई डिगरी या बैंक को मिलने वाली किसी रकम को वसूल करने के सम्बन्ध में करना आवश्यक हो, किन्तु यदि ऐसे प्रत्येक मुकदमे, अपील अथवा डिगरी के सम्बन्ध में किये जाने वाले व्यय की रकम 250 रुपये से अधिक हो तो खर्च करने से पहले भारतीय रिजर्व बैंक की लिखित अनुमति ली जाएगी, और
- (5) किसी अन्य मद पर कोई व्यय, जहां तक कि वह व्यय सहकारी बैंक के विचार में बैंक का दैनिक प्रशासन चलाने के लिए करना अनिवार्य हो बशर्त कि जहां किसी एक कैलेंडर मास में किसी मद पर किया गया कुल खर्च अधिस्थगन आदेश से पहले को छ: कैलेंडर महीनों में उस मद पर किये गये आंसूत मार्सिक व्यय से बढ़ जाता हो, अथवा जहां उस मद के सम्बन्ध में कोई व्यय नहीं किया गया हो और उस प्रकार का व्यय करने से व्यय 500 रुपये से बढ़ जाए तो उस प्रकार का व्यय करने से पूर्व भारतीय रिजर्व बैंक की लिखित रूप में अनुमति ली जाएगी।

3. केन्द्रीय सरकार एतन्हारा यह भी निम्न देती है कि सहकारी बैंक को स्वीकृत अधिस्थगन की अवधि के दौरान —

- (क) सहकारी बैंक निम्नलिखित और अद्यार्थीयां कर सकेगा, अर्थात् सरकारी प्रतिभूतियां अथवा अन्य प्रतिभूतियां के बदले परिचम बंगाल सरकार, भारतीय रिजर्व बैंक अथवा बैंस्ट बंगाल स्टैट कापररीटिव बैंक लिमिटेड भारतीय स्टैट बैंक अथवा इसके किन्हीं सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक को दिए गए क्रेडिटों अथवा अग्रिमों जो अधिस्थगन आदेश के प्रभावी होने की तारीख को चूकाए जाने शेष थे, की वापसी अद्यार्थी के लिए आवश्यक हों,

- (ख) सहकारी बैंक को पूर्वोक्त अद्यार्थीयां करने के लिए बैंस्ट बंगाल स्टैट कापररीटिव बैंक दिल अथवा किसी अन्य बैंक के साथ अपने खाते खालाने की अनुमति दी जाएगी परन्तु, इस आदेश का ऐसा कोई आशय नहीं होगा कि सह कारी बैंक को किसी रकम के दिल जाने से पहले बैंस्ट बंगाल स्टैट कापररीटिव बैंक दिल अथवा किसी अन्य बैंक को इस सम्बन्ध में अपने आपको आशयस्त करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का बैंक द्वारा पालन किया जा रहा है,

- (ग) सहकारी बैंक, उन हुए इन्डियां को जो वसूल न की गयी हों, उनको प्राप्त करने के हकदार व्यक्ति के अनुरोध पर लौटा सकेगा यदि सहकारी बैंक का उन हुए इन्डियां पर कोई अधिकार न हो अथवा वैसी हुए इन्डियां में उसका कोई हित न हो,

(घ) सहकारी बैंक ऐसे माल अथवा प्रतिभूतियां को जो इस बैंक के पास किसी व्यापक, नकद कर्ज अथवा ओवर-ड्राफ्ट के बदले रिगर्वी, नीट-बन्धक अथवा बन्धक रखी गई हों अथवा अन्यथा प्रभारित की गयी हों, निम्नलिखित मामलों में छांड़ि सकेगा;

(1) किसी ऐसे मामले में जहां यथास्थीत क्षणकार्ता या व्यापकतार्थी, से फिलने वाली सारी रकम सहकारी बैंक द्वारा दिनांकित शर्त प्राप्त की गयी है, और

(2) किसी अन्य मामले में, उसने तक की रकम जितनी आवश्यक अथवा सम्भव हो, निर्दिष्ट अनुपातों से नीचे अथवा उन अनुपातों से नीचे जो अधिस्थगन आदेश के प्रभावी होने से पहले लागू थीं, इनमें जो भी ऊंचे हों, उक्त माल और प्रतिभूतियां पर मार्जिन के अनुपातों को कम दिये दिनांकित अनुमति ली जाएगी, और

(इ) बैंस्ट बंगाल स्टैट कापररीटिव बैंक दिल से क्रेडिट तथा कर्जों की कंवल उपरी रकम में से माँसमी कृषि सम्बन्धी कार्यों और फसलों के विपणन तथा करीमयानी अवधि के कृषिक प्रयोगानां के लिए सम्बन्ध संस्थाओं को क्रेडिट दे सकेगा।

[संख्या एफ. 8/3/72-ए. सी.]

(Department of Banking)

New Delhi, 27th January, 1973

ORDER

S.O. 336.—In exercise of the powers conferred by sub-section (2) of section 45 read with clause (zb) of section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, after considering the application made by the Reserve Bank of India under sub-section (1) of the said section 45, hereby makes an order of moratorium in respect of the Kalna-Katwa Central Co-operative Bank, Limited (hereinafter referred to as the Co-operative Bank), for the period from the close of business on the 27th January, 1973 upto and inclusive of the 30th April, 1973 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of West Bengal of its powers under the Bengal Co-operative Societies Act, 1940 (Bengal Act 21 of 1940).

2. The Central Government hereby also directs that during the period of the moratorium granted to it, the Co-operative Bank shall not, without the permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or make or agree to make any payment, whether in discharge of its liabilities and obligations or other-wise, or enter into any compromise or arrangement except making payments, or incurring expenditure, as the case may be, to the extent and in the manner provided hereunder:

- (i) Out of the balance in every Savings Bank or Current Account or in any other deposit by whatever name called, a sum not exceeding the following:

Deposit amount	Amount payable
Upto to Rs. 50	In full
Above Rs. 50	10 per cent of the deposit or Rs. 50 whichever is higher

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10 per cent of total deposit, or Rs. 50, whichever is higher:

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way;

(ii) the amounts of any drafts or pay orders or cheques issued by the Co-operative Bank, and remaining unpaid on the date on which the order of moratorium comes into force;

(iii) the amounts of the bills received for collection on or before the 27th January, 1973 and realised before, on or after that date;

(iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against, or decrees obtained by the Co-operative Bank or for realising any amounts due to it, provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before it is incurred, and

(v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank, provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item in the past, the expenditure on such item exceeds a sum of Rs. 500, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that during the period of the moratorium granted to it, the Co-operative Bank —

(a) may make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of West Bengal, Reserve Bank of India or West Bengal State Co-operative Bank Limited, State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force;

(b) shall be permitted to operate its accounts with the West Bengal State Co-operative Bank Limited or with any other bank for the purposes of making the payments aforesaid, provided that nothing in this order shall be deemed to require the West Bengal State Co-operative Bank Limited or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;

(c) may return any bills which have remained unrealised to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in, such bills;

(d) may release or deliver goods or securities which may be pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft,

(i) in any case in which full payment towards all the amounts due from the borrower or borrowers as the case may be, has been received by the Co-operative Bank, unconditionally, and

(ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force, whichever may be higher; and

(e) may borrow from the West Bengal State Co-operative Bank Limited and grant loans from out of

such borrowings only, to the affiliated societies for seasonal agricultural operations and marketing of crops and for medium-term agricultural purposes.

[No. F. 8/3/72-AC]

आदेश

का. आ. 337.—सहकारी विनियमन अधिनियम, 1949 (1949 के 10 था.) को धारा 56 के खण्ड (या या) के साथ पठित धारा 45 को उपधारा (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त धारा 45 की उपधारा (1) के अन्तर्गत भारतीय रिजर्व बैंक द्वारा दिये गये आवेदन-पत्र पर विचार करने के बाद 24 परगना नार्क सेन्ट्रल कापरेंट्स बैंक ले, (जिसके पश्चात् सहकारी बैंक कहा गया है) के सम्बन्ध में एसल्यूरा 27 जनवरी, 1973 को बैंक का कारोबार बन्द होने से लेकर 30 अप्रैल, 1973 तक और इस दिन को मिलाकर, अधिस्थगन आदेश जारी करती हैं जिसके अनुसार अधिस्थगन आदेश की अवधि के दौरान सहकारी बैंक के विरुद्ध सभी कारबाइयों का शुल्क किया जाना अथवा शुल्क की गयी कारबाइयों को जारी रखना स्थिरित किया जाता है, परन्तु शर्त यह है कि उस प्रकार का स्थान किसी भी प्रकार से बंगाल सहकारी संस्था अधिनियम, 1940 (1940 का 21 वां बंगाल अधिनियम) के अन्तर्गत परिवर्तन बंगाल सरकार द्वारा प्रयोग में लाए जाने वाले उसके अधिकारों के प्रतिकूल न हो।

2. केन्द्रीय सरकार एसल्यूरा यह निवेश भी दीती है कि उसे स्वीकृत अधिस्थगन की अवधि के दौरान सहकारी बैंक भारतीय रिजर्व बैंक की लिखित रूप में अनुमति के बिना कोई क्रूर अध्यया अग्रिम नहीं देगा, किसी प्रकार का दायित्व स्वीकार नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और देन-दारियों के सम्बन्ध में अथवा अन्यथा किसी प्रकार की अवायगी नहीं करेगा एवं अदायगी करना स्वीकार नहीं करेगा या किसी प्रकार का सम्भालता अथवा ठहराव नहीं करेगा, किन्तु वह निम्नलिखित तरीके से और निम्नलिखित सीमा तक यथास्थित अवायगियां अध्यया सुरक्षा कर सकेगा।

(1) प्रत्येक बचत बैंक अथवा चालू खाते अथवा किसी भी नाम से पूकारे जाने वाले किसी अन्य जमा खाते में शेष रकम में से निम्नलिखित राशि तक :—

जमा रकम	शेष रकम
50 स्पर्ये तक	पूरा
50 स्पर्ये से अधिक	जमा का 10
	प्रतिशत अथवा 50
	स्पर्ये जो भी
	अधिक हो :

बशर्ते कि अदा की गयी रकम की कुल राशि किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम में खाते में जमा कुल राशि के 10 प्रतिशत से अधिक अथवा 50 स्पर्ये, इनमें जो भी अधिक हो, उससे ज्यादा न हो। यह भी शर्त है कि ऐसे किसी व्यक्ति को कोई रकम अदा नहीं की जाएगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो;

(2) ऐसे किसी बैंक द्वारा अथवा चौकों की राशि जो सहकारी बैंक ने उस तारीख को जारी कर दिये हैं और अदा किये जाने हैं जिस तारीख के स्थगन आदेश लागू होता है;

(3) 27 जनवरी, 1973 के अथवा उससे पूर्व भूगतान के लिये प्राप्त हुए हों और उस तारीख से पहले, उस तारीख

को या उस तारीख से बाद वसूल की गयी हुण्डियों की राशियाँ,

(4) ऐसा कोई व्यय जो किसी सहकारी बैंक के द्वारा अथवा उसके विरुद्ध वाचर किए गए मुकदमे, अपील, अथवा सहकारी बैंक द्वारा ली गयी डिगरी या बैंक को मिलने वाली किसी रकम को वसूल करने के सम्बन्ध में करना अवश्यक हो, किन्तु यदि ऐसे प्रत्येक मुकदमे, अपील अथवा डिगरी के सम्बन्ध में किए जाने वाले व्यय की रकम 250/- रुपये से अधिक हों तो खर्च करने से पहले भारतीय रिजर्व बैंक की लिखित अनुमति ली जाएगी, और

(5) किसी अन्य मद पर कोई व्यय, जहाँ तक कि वह व्यय सहकारी बैंक के विचार में बैंक का दौनिक प्रशासन चलाने के लिए करना अनिवार्य हो बशर्ते कि जहाँ किसी एक कौलेण्डर मास में किसी मद पर किया गया कल खर्च अधिस्थान आदेश से पहले के छ: कौलेण्डर महीनों में उस मध्य पर किए गए औसत मासिक व्यय से बढ़ जाता हो, अथवा जहाँ उस मद के सम्बन्ध में कोई व्यय नहीं किया गया हो और उस प्रकार किया जाने वाला व्यय 500/- रुपये से बढ़ जाए तो उस प्रकार का व्यय करने से पूर्व भारतीय रिजर्व बैंक की लिखित रूप में अनुमति ली जाएगी ।

3. कन्द्रीय सरकार एतद्वारा यह भी निर्देश देती हैं कि सहकारी बैंक को स्वीकृत अधिस्थान की अवधि के दौरान—

(क) सहकारी बैंक निम्नलिखित और अदायगियाँ कर सकता, अर्थात् सरकारी प्रतिभूतियाँ अथवा अन्य प्रतिभूतियाँ के बदले परिश्रम बंगाल सरकार, भारतीय रिजर्व बैंक अथवा बैंस्ट बंगाल स्टेट कापरेटिव बैंक लिमिटेड, भारतीय स्टेट बैंक अथवा इसके किन्हीं सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक को दिए गए ऋणों अथवा अग्रिमों जो अधिस्थान आदेश के प्रभावी होने की तीरीख के चुकाए जाने शेष थे, की वापसी अदायगी के लिए आवश्यक हों;

(ख) सहकारी बैंक को पूर्योक्त अदायगियाँ करने के लिए बैंस्ट बंगाल स्टेट कापरेटिव बैंक लि. अथवा किसी अन्य बैंक के साथ अपने खाते चलाने की अनुमति दी जाएगी परन्तु इस आदेश का ऐसा कोई आशय नहीं होगा कि सहकारी बैंक को किसी रकम के दिन दिए जाने से पहले बैंस्ट बंगाल स्टेट कापरेटिव बैंक लि. अथवा किसी अन्य बैंक को इस सम्बन्ध में अपने आपको आश्वस्त करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का बैंक द्वारा पालन किया जा रहा है,

(ग) सहकारी बैंक, उन हुण्डियों का, जो वसूल न की गयी हैं, उनको प्राप्त करने के हकदार व्यक्ति के अन्तर्गत पर लौटा सकता याचि सहकारी बैंक का उन हुण्डियों पर कोई अधिकार न हो अथवा बैंकी हुण्डियों में उसका कोई हित न हो,

(घ) सहकारी बैंक ऐसे भाल अथवा प्रतिभूतियों को जो इस (बैंक) के पास किसी ऋण, नकद कर्ज अथवा आंवर-ड्राफ्ट के बदले गिरवी, फ्रिस्ट-चन्द्रक अथवा बन्धक रखी गई हों अथवा अन्यथा प्रभावित की गयी हों, निम्नलिखित मामलों में छाड़ सकता;

(1) किसी ऐसे मामले में जहाँ यशास्वीत ऋणकर्ता या ऋणकर्ताओं, से मिलने वाली सारी रकम सहकारी बैंक द्वारा बिना शर्त प्राप्त की गयी है, और

(2) किसी अन्य मामले में, उतने तक की रकम जिसनी आवश्यक अथवा सम्भव हो, निर्दिष्ट अनुपातों से नीचे अथवा उन अनुपातों से नीचे जो अधिस्थान आदेश के प्रभावी होने से पहले लागू थीं, इनमें जो भी जांच हों, उक्त माल और प्रतिभूतियों पर मार्जिन के अनुपातों को कम किया बिना, और

(छ) बैंस्ट बंगाल स्टेट कापरेटिव बैंक लि. से ऋण ले सकता तथा कर्ज की केवल उसी रकम में से मासमीं कीष सम्बन्धी कार्यों और फसलों के विपणन तथा वर्मियानी अवधि के कीषक प्रयोजनों के लिए सम्बद्ध संस्थाओं को ऋण दे सकता ।

[संख्या 8/3/72-ए. सी.]

ORDER

S.O. 337.—In exercise of the powers conferred by sub-section (2) of section 45, read with clause (zb) of section 56, of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, after considering the application made by the Reserve Bank of India under sub-section (1) of the said section 45, hereby makes an order of moratorium, in respect of the 24-Parganas Northern Central Co-operative Bank Limited (hereinafter referred to as the Co-operative Bank), for the period from the close of business on the 27th January, 1973 upto and inclusive of the 30th April, 1973 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of West Bengal of its powers under the Bengal Co-operative Societies Act, 1940 (Bengal Act 21 of 1940).

2. The Central Government hereby also directs that, during the period of the moratorium granted to it, the Co-operative Bank shall not, without the permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or make or agree to make any payment, whether in discharge of its liabilities and obligations or otherwise, or enter into any compromise or arrangement, except making payments, or incurring expenditure, as the case may be, to the extent and in the manner provided hereunder:

(i) Out of the balance in every Savings Bank or Current Account or in any other deposit by whatever name called, a sum not exceeding the following:

Deposit amount	Amount payable
Upto to Rs. 50	In full
Above Rs. 50	10 per cent of the deposit or Rs. 50 whichever is higher

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10 per cent of total deposit or Rs. 50, whichever is higher:

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way;

(ii) the amounts of any drafts or pay orders or cheques issued by the Co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;

(iii) the amounts of the bills received for collection on or before 27th January, 1973 and realised before, on or after that date;

(iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by

or against, or decrees obtained by, the Co-operative Bank or for realising any amounts due to it, provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before it is incurred; and

(v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank, provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item in the past, the expenditure on such item exceeds a sum of Rs. 500, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of the moratorium granted to it, the Co-operative Bank—

(a) may make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of West Bengal, Reserve Bank of India or West Bengal State Co-operative Bank Limited, State Bank of India or any of its subsidiaries or by any other bank and remaining un-paid on the date on which the order of moratorium comes into force;

(b) shall be permitted to operate its accounts with the West Bengal State Co-operative Bank Limited or with any other bank for the purposes of making the payments aforesaid, provided that nothing in this order shall be deemed to require the West Bengal State Co-operative Bank Limited or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;

(c) may return any bills which have remained unrealised to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in, such bills;

(d) may release or deliver goods or securities which may be pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or over-draft:

(i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally, and

(ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came in force, whichever may be higher; and

(e) may borrow from the West Bengal State Co-operative Bank Limited and grant loans, from out of such borrowings only, to the affiliated societies for seasonal agricultural operations and marketing of crops and for medium-term agricultural purposes.

[No. F. 8/3/72-AC]

आदेश

सा. का. नं. 338.—बैंककारी विभागमन अधिनियम, 1949 (1949 का 10वां) की धारा 56 के खण्ड (या ल) के साथ परिवर्ती धारा 45 की उपधारा (2) के द्वारा प्रदत्त शर्कितयां का प्रयोग करते हुए अंतर्राष्ट्रीय सरकार उक्त धारा 45 की उपधारा (1) के अन्तर्गत

भारतीय रिजर्व बैंक द्वारा दिये गये आवेदन-पत्र पर विचार करने के बाद कूच-बिहार सेन्ट्रल कॉऑपरेटिव बैंक लिमिटेड (जिसे इसके पश्चात सहकारी बैंक कहा गया है) के सम्बन्ध में एतद्विवारा 27 जनवरी, 1973 को बैंक का कार्यालय बंद होने से लेकर 30 अप्रैल, 1973 तक आरूप इस विवार को मिलाकर, अधिस्थगन आदेश जारी करती है जिसके अन्दरागत अधिस्थगन आदेश की अवधि के दौरान सहकारी बैंक के विरुद्ध सभी कार्यालयों का शुल्क फिरा जाना अथवा शुल्क की गई कार्यालयों को जारी रखना स्थगित किया जाता है, परन्तु शर्त यह है कि उस प्रकार का स्थगित किसी भी प्रकार से बंगाल सहकारी संस्था अधिनियम, 1940 (1940 के 21 वां बंगाल अधिनियम) के अन्तर्गत परिवर्तम बंगाल सरकार द्वारा प्रयोग में लाये जाने वाले उसके अधिकारों के प्रतिकूल न हों।

2. अंतर्राष्ट्रीय सरकार एतद्विवार यह निर्देश भी देती है कि उस स्वीकृत अधिस्थगन की अवधि के दौरान सहकारी बैंक भारतीय रिजर्व बैंक की लिखित रूप में अनुमति के बिना कोई क्षण अथवा अधिगम नहीं देगा, फिरी प्रकार का दायित्व स्वीकार नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और दैनंदिनीयों के सम्बन्ध में अथवा अन्यथा किसी प्रकार की अदायगी नहीं करेगा एवं अदायगी करना स्वीकार नहीं करेगा या किसी प्रकार का समझौता अथवा ठहराव नहीं करेगा, किन्तु वह निम्नलिखित तरीके से आरूप निम्नलिखित सीमा तक यथास्थित अदायगीयां अथवा खर्च कर सकेगा।

(1) प्रत्येक बचत बैंक अथवा चालू खाते आपना किसी भी नाम से प्रकार जाने वाले किसी अन्य जमा खाते में शेष रकम में निम्नलिखित राशि तक :—

जमा रकम	वैध रकम
50 रुपये तक	पूरा
50 रुपये से अधिक	जमा का 10
	प्रतिशत अथवा
	50 रुपये जो भी
	अधिक हो :

बशर्ते कि अदा की गयी रकम की कुल राशि किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम में खाते में जमा कुल राशि के 10 प्रतिशत से अधिक अथवा 50 रुपये, इनमें जो भी अधिक हो उससे ज्यादा न हो। यह भी शर्त है कि ऐसे किसी व्यक्ति को कोई रकम अदा नहीं की जाएगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो,

(2) ऐसे किसी बैंक द्वाफट, पै-आर्हर अथवा खंडकों की राशि जो सहकारी बैंक ने उस तारीख को जारी कर दिये हैं और अदा किये जाने हैं जिस तारीख के स्थगन आदेश लागू होता है,

(3) 27 जनवरी, 1973 को अथवा उससे पूर्व भगतान के लिये प्राप्त हुए धर्याएँ और उस तारीख से पहले, उस तारीख को या उस तारीख से बाद वसूल की गयी हुए धर्याएँ की राशियां ;

(4) ऐसा कोई श्यय जो किसी सहकारी बैंक के क्षारा अथवा उसके विरुद्ध दायर किये गये मुकदमे, अपील, अथवा सहकारी बैंक द्वारा ली गयी डिगरी या बैंक को मिलने वाली किसी रकम को वसूल करने के सम्बन्ध में करना आवश्यक हो, किन्तु यदि ऐसे प्रत्येक मुकदमे, अपील अथवा डिगरी के सम्बन्ध में किये जाने वाले व्यय की रकम 250/- रुपये से अधिक हो तो खर्च करने से पहले

भारतीय रिजर्व बैंक की लिमिटेड अनुमति ली जाएगी, और

(5) किसी अन्य मद्द पर कोई व्यय, जहां तक तिक वह व्यय सहकारी बैंक के विचार में बैंक का दैनिक प्रशासन अलांक के लिए करना अनिवार्य हो बशर्ते कि जहां किसी एक कॉलेजर मास में किसी मद्द पर किया गया कल खर्च अधिस्थगन आदेश से पहले के छ: कॉलेजर भारीनों में उस मद्द पर किए गये अंसूत मार्गिक व्यय से बढ़ जाता हो, अथवा जहां उस मद्द के सम्बन्ध में कोई व्यय नहीं किया गया हो और उस प्रकार किया जाने वाला व्यय 500/- रुपये से बढ़ जाए तो उस प्रकार का व्यय करने से पूर्ण भारतीय रिजर्व बैंक की लिमिटेड रूप में अनुमति ली जाएगी।

3. केंद्रीय सरकार एतद्वारा वह भी निवेश देती है कि सहकारी बैंक की स्वीकृत अधिस्थगन की अवधि के दौरान—

(क) सहकारी बैंक निम्नलिखित और अदायगियां कर सकेगा, अर्थात् सरकारी प्रतिभूतियां अथवा अन्य प्रतिभूतियां के बदले परिवर्तन बंगाल सरकार, भारतीय रिजर्व बैंक अथवा बैंस्ट बंगाल स्टैट कोर्पोरेटिव बैंक लिमिटेड, भारतीय रस्टैट बैंक अथवा इसके किसी सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक के दिये गये अणों अथवा अंशों जो अधिस्थगन आदेश के प्रभावी होने की तारीख को चुकाए जाने शेष हों, की वापसी अदायगियां के लिये आवश्यक हों,

(ख) सहकारी बैंक को पूर्वांकित अदायगियां करने के लिये बैंस्ट बंगाल स्टैट कोर्पोरेटिव बैंक लिल, अथवा किसी अन्य बैंक के साथ अपने खाते चलाने की अनुमति दी जाएगी परन्तु इस आदेश का एसा कोई आशय नहीं होगा कि सहकारी बैंक को किसी रकम के दिये जाने से पहले बैंस्ट बंगाल स्टैट कोर्पोरेटिव बैंक लिल, अथवा वैसे किसी अन्य बैंक को इस सम्बन्ध में अपने लापता आद्वस्त करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का बैंक स्थारा पालन किया जा रहा है;

(ग) सहकारी बैंक, उन हृषिक्षयों को, जो घस्त न की गयी हों, उनके प्राप्त करने के हकदार व्यक्तिके अनुरोध पर तोटा सकेगा याकि सहकारी बैंक को उन हृषिक्षयों पर कोई अधिकार न हो अथवा वैसी हृषिक्षयों में उसका कोई हित न हो;

(घ) सहकारी बैंक एसे मात्र अथवा प्रतिभूतियों को जो इस (बैंक) के पास किसी रहा, नकद कर्त अथवा आवार-ड्राफ्ट के बदले गिरावदी, ग्रिफ्ट-बन्धक अथवा बन्धक रक्षी गई हों अथवा अन्यथा प्रभारित की गयी हों, निम्नलिखित मामलों में छाड़ राखेगा,

- (1) किसी ऐसे मामले में जहां यारीभूति, क्षणकर्ता या अणकर्ताओं, से मिलने वाली सारी रकम सहकारी बैंक द्वारा बिना शर्त प्राप्त की गयी है, और
- (2) किसी अन्य मामले में, उतने तक की रकम जितनी आवश्यक अथवा सम्भव हो, निर्विष्ट अनुपातों से नीचे अथवा उन अनुपातों से नीचे जो अधिस्थगन आदेश के प्रभावी होने से पहले लागू थीं, हनमें जो भी ऊंचे हों, उक्त गाल और प्रतिभूतियों पर मार्जिन के अनुपातों को कम किये दिया, और

(3) बैंस्ट बंगाल स्टैट कोर्पोरेटिव बैंक लि. से व्यय से सकेगा तथा कर्त अपराईटिव बैंक की क्षेत्र उसी रकम में से कृषि सम्बन्धी कार्यों द्वारा फसलों के विपणन तथा वर्मियानी अवधि के कृषिक प्रयोजनों के लिये सम्बन्ध संस्थानों को ज्ञान दे सकेगा।

[संख्या एक. 8/3/72-ए. सी.]

ORDER

S.O. 338.—In exercise of the power conferred by sub-section (2) of section 45, read with clause (2b) of section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, after considering the application made by the Reserve Bank of India under sub-section (1) of the said section 45, hereby makes an order of moratorium, in respect of the 24-Parganas Southern Central Co-operative Bank Limited (hereinafter referred to as the Co-operative Bank), for the period from the close of business on the 27th January, 1973 upto and inclusive of the 30th April, 1973 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of West Bengal of its powers under the Bengal Co-operative Societies Act, 1940 (Bengal Act 21 of 1940).

2. The Central Government hereby also directs that during the period of the moratorium granted to it, the Co-operative Bank shall not, without the permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or make or agree to make any payment, whether in discharge of its liabilities and obligations or otherwise, or enter into any compromise or arrangement except making payments, or incurring expenditure, as the case may be, to the extent and in the manner provided hereunder:

(i) Out of the balance in every Savings Bank or Current Account or in any other deposit by whatever name called, a sum not exceeding the following:

Deposit amount	Amount payable in full
----------------	---------------------------

Up to Rs. 50

Above Rs. 50 10 per cent of the deposit or
Rs. 50 whichever is higher;

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10 per cent of total deposit, or Rs. 50, whichever is higher: Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way;

(ii) the amounts of any drafts or pay orders or cheques issued by the Co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;

(iii) the amounts of the bills received for collection on or before 27th January, 1973 and realised before, on or after that date;

(iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against, or decrees obtained by, the Co-operative Bank or for realising any amounts due to it, provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250/-, the permission in writing of the Reserve Bank of India shall be obtained before it is incurred, and

(v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank, provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account

of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item in the past, the expenditure on such item exceeds a sum of Rs. 500, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of the moratorium granted to it, the Co-operative Bank —

- (a) may make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of West Bengal, Reserve Bank of India or West Bengal State Co-operative Bank Limited, State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force;
- (b) shall be permitted to operate its accounts with the West Bengal State Co-operative Bank Limited or with any other bank for the purposes of making the payments aforesaid, provided that nothing in this order shall be deemed to require the West Bengal State Co-operative Bank Limited or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;
- (c) may return any bills which have remained unrealised to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in, such bills;
- (d) may release or deliver goods or securities which may be pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft;
 - (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally, and
 - (ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force, whichever may be higher; and
- (e) may borrow from the West Bengal State Co-operative Bank Limited and grant loans, from out of such borrowings only, to the affiliated societies for seasonal agricultural operations and marketing of crops and for medium-term agricultural purposes.

[No. F. 8/3/72-AC]

आपेक्षा

का. आ. 330.—बैंककारी विनियमन अधिनियम. 1949 (1940 के 10 वां) की धारा 56 के खण्ड (य ख) के साथ परिवर्त धारा 45 की उपन्धारा (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त धारा 45 की उपन्धारा (1) के अन्तर्गत भारतीय रिजर्व बैंक के द्वारा किये गए आवेदन-पत्र पर विचार करने के बाद 24 परगना सदर्न सेन्ट्रल कोआपरेटिव बैंक लिमिटेड (जिसे इसके पश्चात् सहकारी बैंक कहा गया है) के सम्बन्ध में एस्ट्रेंज़ारा 27 जनवरी, 1973 के बैंक का कासेबार बन्व होने से लेकर 30 अप्रैल, 1973 तक आंर इस विन को मिलाकर, अधिस्थगन आदेश जारी करती है जिसके अनुसार अधिस्थगन आदेश की अवधी के दौरान सहकारी बैंक के रिस्ट्रॉड सभी कार्रवाइयों का शुरू किया जाना अथवा शुरू की गयी कार्रवाइयों को जारी रखना स्थगित किया जाता है, परन्तु शर्त यह है कि उस प्रकार का स्थगन किसी भी प्रकार से बंगाल सरकारी संस्था अधिनियम,

1940 (1940 का 21 वां बंगाल अधिनियम) के अन्तर्गत परिवर्त बंगाल सरकार द्वारा प्रयोग में लाए जाने वाले उसके अधिकारों के प्रतिकूल न हो।

2. केन्द्रीय सरकार एतद्वारा यह निवेश भी देती है कि उस स्वीकृत अधिस्थगन को अवधी के दौरान सहकारी बैंक भारतीय रिजर्व बैंक की लिखित रूप में अनुमति के बिना कोई अप्प अथवा अधिग्राम नहीं देगा, किसी प्रकार का दायित्व स्वीकार नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और दैन-दायित्वों के सम्बन्ध में अथवा अन्यथा एकसी प्रकार की अवाधगी नहीं करेगा एवं अद्यायगी कस्ता स्वीकार नहीं करेगा या किसी प्रकार का समझौता अथवा ठहराव नहीं करेगा, किन्तु, वह निम्नलिखित तरीके से और निम्नलिखित सीमा तक यथारित अद्यायगीयां अथवा खर्च कर सकेगा।

(1) प्रत्येक बचत बैंक अथवा चालू खाते अथवा किसी भी नाम से पुकारे जाने वाले किसी अन्य जमा खाते में शेष रकम में से निम्नलिखित राशि तक :

जमा रकम	राशि रकम
पूरा	पूरा
50 रुपये सक	जमा का 10 प्रतिशत अथवा
50 रुपये से अधिक	50 रुपये जो भी अधिक हो :

बशर्ते कि अदा की गयी रकम की कुछ राशि किसी एक व्यक्ति (किसी अन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम में खाते में जमा कर, तो राशि के 10 प्रतिशत से अधिक अथवा 50 रुपये, इनमें जो भी अधिक हो, उससे ज्यादा न हो। यह भी शर्त है कि ऐसे किसी व्यक्ति को कोई रकम अदा नहीं की जाएगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो ;

(2) ऐसे किसी बैंक द्वारा, पे-आहर अथवा और्जां की राशि जो सहकारी बैंक ने उस तारीख के जारी कर दिये हैं और अब या किसी जाने हुए जिस तारीख के स्थगन आदेश लागू होता है ;

(3) 27 जनवरी, 1973 के अथवा उससे पूर्व भुगतान के लिए प्राप्त हुए इन्डियन और उस तारीख से पहले, उस तारीख के या उस तारीख से बाद वस्तू की गयी हुए इन्डियन की राशियां ;

(4) ऐसा कोई व्यय जो किसी सहकारी बैंक के द्वारा अथवा उसके विस्तृद्वय द्वायर किए गये मुकदमे, अपील, अथवा सहकारी बैंक द्वारा ली गयी डिगरी या बैंक को मिलने वाली किसी रकम को वस्तू करने के सम्बन्ध में करना आवश्यक हो, किन्तु यदि ऐसे प्रत्येक मुकदमे, अपील अथवा डिगरी के सम्बन्ध में किए जाने वाले व्यय की रकम 250/- रुपये से अधिक हो तो उस खर्च करने से पहले भारतीय रिजर्व बैंक की लिखित अनुमति ली जाएगी, और

(5) किसी अन्य मद पर कोई व्यय, जहां तक कि वह व्यय सहकारी बैंक के विषार में बैंक का इनीक प्रशासन चलाने के लिए करना अनिवार्य हो बशर्ते कि जहां किसी एक बैंकेंद्र मास में किसी मद पर किया गया कुछ खर्च अधिस्थगन आदेश से पहले के छ: बैंकेंद्र महीनों में उस मद पर किए गए आंसूत मासिक व्यय से अब जाता हो, अथवा जहां उस मद के सम्बन्ध में कोई व्यय नहीं किया गया हो और उस प्रकार किया जाने वाले व्यय 500/- रुपये से अब जाए तो उस प्रकार का व्यय करने से पूर्व भारतीय रिजर्व बैंक की लिखित रूप में अनुमति ली जाएगी।

3. केन्द्रीय सरकार एतद्वारा यह भी निवेश देती है कि सहकारी बैंक की स्वीकृत अधिस्थगन की अवधि के द्वारा —

(क) सहकारी बैंक निम्नलिखित और अदायगियां कर सकेगा, अर्थात् सरकारी प्रतिभूतियां अथवा अन्य प्रतिभूतियां के बदले परिवर्तन बंगाल सरकार, भारतीय रिजर्व बैंक अथवा बैंस्ट बंगाल स्टेट कॉर्पोरेटिव बैंक लिमिटेड, भारतीय स्टेट बैंक अथवा इसके किन्हीं सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक को दिये गये ऋणों अथवा अग्रिमों जो अधिस्थगन आदेश के प्रभावी होने की तारीख के द्वारा जाने शेष थे, की वापसी अवायगी के लिए आवश्यक हैं;

(ख) सहकारी बैंक को पुराँकत अदायगियां करने के लिए बैंस्ट बंगाल स्टेट कॉर्पोरेटिव बैंक लि. अथवा किसी अन्य बैंक के साथ अपने खाते चलाने की अनुमति दी जाएगी परन्तु इस आदेश का ऐसा कोई आशय नहीं होगा कि सहकारी बैंक को किसी रकम के दिये जाने से पहले बैंस्ट बंगाल स्टेट कॉर्पोरेटिव बैंक लि. अथवा वैसे किसी अन्य बैंक को इस सम्बन्ध में अपने आपको आश्वस्त करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का बैंक द्वारा पालन किया जा रहा है;

(ग) सहकारी बैंक, उन हुणिड्यों को, जो बस्तू न की गयी हैं, उनको प्राप्त करने के हकदार व्यक्ति के अनुपाध पर लाई सकेगा यदि सहकारी बैंक का उन हुणिड्यों पर कोई अधिकार न हो अथवा वैसी हुणिड्यों में उसका कोई क्रित न हो;

(घ) सहकारी बैंक ऐसे माल अथवा प्रतिभूतियों को जो इस (बैंक) के पास किसी ऋण, नकद कर्ज अथवा ओवर-ड्राफ्ट के बदले गिरवी, ड्रैट-बन्धक अथवा बन्धक रखी गई हैं अथवा अन्यथा प्रभावित की गयी हैं, निम्नलिखित मामलों में छोड़ सकेगा;

- (1) किसी ऐसे मामले में जहां यथास्थित ऋणकर्ता या ऋणकर्ताओं, से मिलने वाली सारी रकम सहकारी बैंक द्वारा बिना शर्त प्राप्त की गई है, और
- (2) किसी अन्य मामले में, उतने तक की रकम जितनी आवश्यक अथवा सम्भव हो, निर्निकृष्ट अनुपातों से नीचे अथवा उन अनुपातों से नीचे जो अधिस्थगन आदेश के प्रभावी होने से पहले लागू थीं, इनमें जो भी उच्च हों, उक्त माल और प्रतिभूतियों पर मार्जिन के अनुपातों को कम किये बिना, और

(इ) बैंस्ट बंगाल स्टेट कॉर्पोरेटिव बैंक लि. से ऋण ले सकेगा तथा कर्ज की केवल उसी रकम में से मौखिक कीप सम्बन्धी कार्यों और फसलों के विपणन तथा दरमियानी अवधि के क्रीड़िक प्रयोजनों के लिए सम्बद्ध संस्थाओं को अपन दे सकेगा।

[संख्या एक. 8/3/72-थैसी.]

एल. डी. कटारिया, उप-सचिव

ORDER

S.O. 339.—In exercise of the powers conferred by sub-section (2) of section 45, read with clause (zb) of section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, after considering the application made by the Reserve Bank of India under sub-section (1) of the said section 45, hereby makes an order of moratorium, in respect of the 24-Parganas Southern Central Co-operative Bank Limited (hereinafter referred to as the Co-operative Bank),

for the period from the close of business on the 27th January, 1973 upto and inclusive of the 30th April, 1973 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of West Bengal of its powers under the Bengal Co-operative Societies Act, 1940 (Bengal Act 21 of 1940).

2. The Central Government hereby also directs that during the period of the moratorium granted to it, the Co-operative Bank shall not, without the permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or make or agree to make any payment, whether in discharge of its liabilities and obligations or otherwise, or enter into any compromise or arrangement except making payments, or incurring expenditure, as the case may be, to the extent and in the manner provided hereunder:

(i) out of the balance in every Savings Bank or Current Account or in any other deposit by whatever name called, a sum not exceeding the following:

Deposit amount Amount payable

Up to Rs. 50 In full

Above Rs. 50 10 per cent of the deposit or Rs. 50 whichever is higher:

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10 per cent of total deposit, or Rs. 50 N.P. whichever is higher:

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way:

(ii) the amounts of any drafts or pay orders or cheques issued by the Co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;

(iii) the amounts of the bills received for collection on or before 27th January, 1973 and realised before, on or after that date;

(iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against, or decrees obtained by, the Co-operative Bank or for realising any amounts due to it, provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250/-, the permission in writing of the Reserve Bank of India shall be obtained before it is incurred; and

(v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank, provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item in the past, the expenditure on such item exceeds a sum of Rs. 500, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of the moratorium granted to it, the Co-operative Bank —

(a) may make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of West Bengal, Reserve Bank of India or West Bengal State Co-operative Bank Limited, State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force;

(b) shall be permitted to operate its accounts with the West Bengal State Co-operative Bank Limited or with

any other bank for the purposes of making the payments aforesaid, provided that nothing in this order shall be deemed to require the West Bengal State Co-operative Bank Limited or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank;

- (c) may return any bills which have remained unrealised to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in, such bills;
- (d) may release or deliver goods or securities which may be pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft,
 - (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally and
 - (ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force, which ever may be higher; and
- (e) may borrow from the West Bengal State Co-operative Bank Limited and grant loans, from out of such borrowings only, to the affiliated societies for seasonal agricultural operations and marketing of crops and for medium-term agricultural purposes.

[No. F. 8/3/72-AC]

I. D. KATARIA, Dy. Secy.

नई दिल्ली, 29 जनवरी, 1973

शुद्धिक पत्र

का. आ. 340.—भारतीय राजपत्र के भाग 2 अण्ड 3(2) के पृष्ठ सं. 5143 ए. औ. सं. 3541 के रूप में प्रकाशित 20 अक्टूबर, 1972 की अधिसूचना संख्या एफ. 15(10)-वी. सी./72 में नीचे लिखी शुद्धित्यां कर दी जाएं अर्थात्—

के लिए	पद्ध
जे. के. आटोमोबाइल्स प्राइवेट	24-11-1966
लि. के सामने उल्लिखित	
तिथि 15-11-1966	

अन्य सभी प्रविधियाँ यथापूर्व रहेंगी।

[सं. एफ. 15(10) वी. सी./72]

New Delhi, the 30th January, 1973

CORRIGENDUM

S.O. 341.—In the Notification No. 14(9)-B.O. III/72 dated the 13th October, 1972 published as S.O. 3738 on page 5242 of Part II, Section 3(ii) of the Gazette of India the following correction may be made, namely—

For	Read
6th October, 1972	6th October, 1973.
	[No. 14(9)-B.O. III/72]

नई दिल्ली, 2 फरवरी, 1973

का. आ. 342.—वर्कारी विनियमन अधिनियम, 1949 (1949 का 10वां) की धारा 53 द्वारा प्रदत्त शास्त्रियाँ का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 9 के उपर्यंत, सर्व संख्या 338/1 और 2 के अन्तर्गत कार्यचिन में 12 सेंट मात्र भूमि से संबंधित अचल सम्पत्ति (रोकसरिता नामक रिहायशी द्वारा सहित) और सर्व नम्बर 25 के अन्तर्गत अनर्कलन जितों के रामेश्वरम गांव

में 29-1/2 सेंट भूकी जगह के संबंध में सातथ शुद्धित्यां बैंक लिमिटेड त्रिचूर पर 29 दिसंबर, 1973 तक लागू नहीं होंगे।

[सं. 15(1)-वी. आ. 3/73]

के. येसुरत्नम्, अवार सचिव

New Delhi, the 2nd February, 1973

S.O. 342.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply, till the 29th December 1973, to the South Indian Bank Ltd., Trichur, in respect of the immoveable properties measuring 12 cents of land (with residential building known as Roxvilla) under Survey Nos. 338/1 and 2 at Cochin and 29½ cents of house site under Survey No. 25 in Rameshwaram village, Eranakulam District.

[No. 15(1)-B.O.III/73]

K. YESURATNAM, Under Secy.

(आर्थिक कार्य विभाग)

शोबर बाजार प्रभाग

नई दिल्ली, 6 फरवरी, 1973

का. आ. 343.—केन्द्रीय सरकार, प्रतिभूति संविदा (विनियमन) नियमाली, 1957 के नियम 7 के साथ पठित, प्रतिभूति संविदा (विनियमन) अधिनियम, 1956 (1956 का 42 वां) की धारा 3 के अन्तर्गत बंगलौर स्टाक एक्सचेंज लिमिटेड, बंगलौर (जिसे बालू में एक्सचेंज कहा गया है) द्वारा मान्यता के नवीकरण के लिये दिये गये आयोग पर प्रधार करने और इस बात की तसल्ली कर लेने के बाद कि ऐसा करना व्यापार सभा लोक हित में होगा, एतद्वारा उक्त अधिनियम की धारा 4 के अन्तर्गत प्रदत्त शास्त्रियाँ का प्रयोग करते हुए, उक्त अधिनियम की धारा 4 के अन्तर्गत एक्सचेंज को 16 फरवरी, 1973 से शुरू होने वाली और 15 फरवरी, 1978 के समाप्त होने वाली पांच वर्षों की अवधि अवधि के लिये, प्रतिभूतियाँ के संविदाओं के सम्बन्ध में नीचे दी गयी शर्त और एतद्वारा पश्चात निर्धारित की जाने वाली अधिकार लगाई जाने वाली शर्तों के साथ मान्यता प्रदान करती है :

शर्त

एक्सचेंज में कारबाह की अनुमति नहीं दी जाएगी, किन्तु हाजिर सपुर्दगी तथा संविदा की तारीख के बावजूद 14 दिन के अन्य-अन्य अवधि और अवधियाँ की अनुमति होगी।

[सं. एफ. 1/27/एस. ई/72]
राजीतमस भंडारी, संचयक संचय

(Department of Economic Affairs)

Stock exchange Division

New Delhi, the 6th February, 1973

S.O. 343.—The Central Government, having considered the application for renewal of recognition made under section 3 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956), read with rule 7 of the Securities Contracts (Regulation) Rules, 1957, by the Bangalore Stock Exchange Limited, Bangalore (hereinafter referred to as the Exchange), and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 4 of the said Act, recognition to the Exchange under section 4 of the said Act, for a further period of five years commencing on the 16th February, 1973, and ending with the 15th February, 1978, in respect of contracts in securities, subject to the condition stated herein below and such other conditions as may be prescribed or imposed hereafter:

CONDITION

Dealings shall not be permitted on the Exchange except for spot delivery and for delivery and payment within a period not exceeding 14 days following the date of the contract.

[No. F. 1/27/SE/72]
R. M. BHANDARI, Jt. Secy.

रिजर्व बैंक ग्रांट इंडिया

नई विल्ली, 1 फरवरी, 1973

कानून 344—रिजर्व बैंक ग्रांट इंडिया अधिनियम, 1934 के अनुसरण में जनवरी 1973 की 12 तारीख को समाप्त हुए सप्ताह के लिए लेखा

इन्हाँ विभाग

देयताएँ	रुपये	रुपये	आस्तिया	रुपये	रुपये
ईकिंग विभाग में रखे हुए नोट	19,31,30,000		रोमे का सिक्का और बुलियन :		
संचालन में नोट	49,31,41,96,000		(क) भारत में रखा हुआ	18,2,53,11,000	
जारी किये गये कुल नोट	49,50,73,26,000		(ख) भारत के बाहर रखा हुआ	..	
			विदेशी प्रतिशूलियाँ	17,1,65,38,000	
			जोड़		35,4,18,49,000
			रुपये का सिक्का		17,1,19,50,000
			भारत सरकार की रुपया प्रतिशूलियाँ		45,79,35,27,000
			देशी विनियम विल और दूसरे वांगज्यनाम		..
कुल देयताएँ	49,50,73,26,000		कुल आस्तिया		49,50,73,26,000
तारीख : 17 जनवरी, 1973					वी.वी. चारी, उप गवर्नर

12 जनवरी, 1973 की रिजर्व बैंक ग्रांट इंडिया के ईकिंग विभाग के कार्यकलाप का विवरण

देयताएँ	रुपये	आस्तिया	रुपये
चुकता पूँजी	5,00,00,000	नोट	19,31,30,000
प्रारक्षित निधि	150,00,00,000	रुपये का सिक्का	5,52,000
राष्ट्रीय कृषि ऋण		छोटा सिक्का	3,02,000
(दीर्घकालीन क्रियाएँ) निधि	209,00,00,000	खरीदे और भूनावे गये पित	
राष्ट्रीय कृषि ऋण	45,00,00,000	(क) देशी	1,18,19,000
(स्थिरीकरण) निधि		(ख) विदेशी	..
राष्ट्रीय औद्योगिक ऋण	175,00,00,000	(ग) सरकारी बजारा विल	240,84,21,000
(दीर्घकालीन क्रियाएँ) निधि		विदेशों में रखा हुआ बकाया *	174,15,08,000
जमांशियाँ :—		निवेश **	349,25,59,000
(क) सरकारी		ऋण और अग्रिम :—	
(i) केन्द्रीय सरकार	52,64,40,000	(i) केन्द्रीय सरकार को	.
(ii) राज्य सरकार	11,56,89,000	(ii) राज्य सरकारों को	85,54,17,000
(ख) बैंक		ऋण और अग्रिम :—	
(i) अनुसूचित वाणिज्य बैंक	294,54,84,000	(i) अनुसूचित वाणिज्य बैंकों को	13,4,25,500
(ii) अनुसूचित राज्य सहकारी बैंक	11,56,08,000	(ii) राज्य सहकारी बैंकों को (ii)	300,04,68,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक	1,03,53,000	(iii) दूसरों को	4,08,64,000
(iv) अन्य बैंक	34,21,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि से	
		ऋण अग्रिम और निवेश	
		(क) ऋण और अग्रिम :—	
		(i) राज्य सरकारों को	54,80,38,000
		(ii) राज्य सहकारी बैंकों को	24,38,05,000
		(iii) केन्द्रीय भूमिक्यक बैंकों को	..
		(iv) कृषि पुनर्वित निगम को	10,00,00,000
(ग) अन्य	76,70,47,000	(ख) केन्द्रीय भूमिक्यक बैंकों के डिविचरों में निवेश	11,23,62,000
देय विल	47,00,81,000	राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम	
अन्य देयताएँ	376,70,37,000	राज्य सहकारी बैंकों को ऋण और अग्रिम	30,26,90,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएँ) निधि से	
		ऋण, अग्रिम और निवेश	
		(क) विकास बक को जो ऋण और अग्रिम	93,06,94,000
		(ख) विकास बैंक द्वारा जारी किये गये ब्रांडों/छिंवें-चरों में निवेश	..
		अन्य आस्तिया	44,42,76,000
रुपये	1456,11,60,000	रुपये	1456,11,60,000

* नकदी, आवधिक जमा और अस्पकालीन प्रतिशूलियाँ शामिल हैं।

** राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएँ) निधि में से किये गये निवेश शामिल नहीं हैं।

† राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये अत्याधीक्ष और वांगज्यनाम शामिल हैं।

‡ रिजर्व बैंक ग्रांट इंडिया अधिनियम की धारा 17(4)(ग) के अधीन अनुसूचित वाणिज्य बैंकों को मोरादी विलों पर अग्रिम दिये गये शून्य रु. शामिल हैं।

@ राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख: 17 जनवरी, 1973

वी.वी. चारी, उप गवर्नर।

[सं. क्र. 1/1/73 ग्रा. प्रो. I]

वी.वी. चारी, उप गवर्नर।

RESERVE BANK OF INDIA
New Delhi, the 1st February, 1973

S.O. 344.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 12th day of January 1973.
Issue Department

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	19,31,30,000		Gold Coin and Bullion :—		
Notes in circulation	4931,41,96,000		(a) Held in India	182,53,11,000	
Total Notes issued		4950,73,26,000	(b) Held outside India		171,65,38,000
			Foreign Securities		
			TOTAL		354,18,49,000
			Rupee Coin		17,19,50,000
			Government of India Rupee Securities		4579,35,27,000
			Internal Bills of Exchange and other commercial paper		
Total Liabilities		4950,73,26,000	Total Assets		4950,73,26,000

Dated the 17th Day of January 1973.

V. V. CHARI,
Dy. Governor.

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 5th January 1973

Liabilities	Rs.	Assets	Rs.
Capital Paid Up	5,00,00,000	Notes	19,31,30,000
Reserve Fund	150,00,00,000	Rupee Coin	5,52,000
National Agricultural Credit (Long Term Operations) Fund	209,00,00,000	Small Coin	3,02,000
National Agricultural Credit (Stabilisation) Fund	45,00,00,000	Bills Purchased and Discounted :— (a) Internal	1,18,19,000
National Industrial Credit (Long Term Operations) Fund	175,00,00,000	(b) External	
		(c) Government Treasury Bills	240,84,21,000
Deposits :—		Balances Held Abroad*	174,15,08,000
(a) Government		Investments**	349,25,59,000
(i) Central Government	52,64,40,000	Loans and Advances to :— (i) Central Government	
(ii) State Governments	11,56,89,000	(ii) State Governments†	854,54,17,000
(b) Banks		Loans and Advances to :— (i) Scheduled Commercial Banks‡	13,42,55,000
(i) Scheduled Commercial Banks	294,54,84,000	(ii) State Co-operative Banks @	300,04,68,000
(ii) Scheduled State Co-operative Banks	11,56,08,000	(iii) Others	4,08,64,000
(iii) Non-Scheduled State Co-operative Banks	1,03,53,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
(iv) Other Banks	34,21,000	(a) Loans and Advances to :— (i) State Governments	85,80,38,000
(c) Others	76,70,47,000	(ii) State Co-operative Banks	24,38,05,000
Bills Payable	47,00,81,000	(iii) Central Land Mortgage Banks	
Other Liabilities	376,70,37,000	(iv) Agricultural Refinance Corporation	10,00,00,000
	Rupees	(b) Investment in Central Land Mortgage Bank Debentures	11,23,62,000
	1456,11,60,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	30,26,90,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	
		(b) Investment in bonds/debentures issued by the Development Bank	93,06,94,000
		Other Assets	44,42,76,000
		Rupees	1456,11,60,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

†Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

‡Includes Rs. nil advanced to scheduled commercial banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated: the 17th day of January 1973.

V. V. CHARI,
Dy. Governor.

[No. F. 1 (1)/73-B, O II]
C. W. MIRCHANDANI, Under Secy.

विदेश मंत्रालय

नई विल्ली, 27 जनवरी, 1973

का. आ. 345.—राजनीयक एवं कॉसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 के खण्ड 2 की धारा (क) के अनुसरण में केन्द्र सरकार, भारत की हुब्बर्स्टेट प्रधान कॉसलावास में सहायक, श्री करू. एस. चौहान को 7 जनवरी 1973 से, अगले आवेश होने तक, कॉसली अभिकर्ता का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/3/72]

प्रमोत कुमार, उप-सचिव

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 27th January, 1973

S.O. 345.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri Q. S. Chauhan, Assistant in the Consulate General of India, Dubai, to perform the duties of a Consular Agent with effect from the 7th January, 1973, until further orders.

[F. No. T. 4330/3/72]

PRAMOD KUMAR Dy. Secy.

विदेश व्यापार मंत्रालय

नई विल्ली, 25 जनवरी, 1973

का. प्रा. 346. वस्त्र समिति अधिनियम, 1963 (1963 का 41) की धारा 12 की उपधारा (1) के परंपरा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, नीचे दी गई अनुसूची के संबंध (2) में विनिरिट वस्त्र तथा वस्त्र मशीनरी के विनिर्माताओं को, कमपशः उसके स्तंभ (3) और (4) में तत्स्थानी प्रविडिटों में विनिरिट विस्तार तक और अवधि के लिए वस्त्र समिति नियम, 1965 के नियम 21 के प्रधीन उद्यमहीय फीसों के संदाय से, एतद्वारा छूट देती है:—

क्रम वस्त्र और वस्त्र मशीनरी के विनिर्माता संस्था	छूट का विस्तार	छूट की अवधि	
(1)	(2)	(3)	(4)
1. सभी पक्षकार, (चाहे सूती, ऊनी या वस्त्र संपूर्ण गणीनरी सेक्टर में हों), जिनकी 1969-70 तथा पूर्वतर दो वर्षों के बौद्धान अवक्षयण की व्यवस्था करने के पूर्व हानि है।		विस्तीय वर्ष	1969-70
2. सभी पक्षकार (चाहे सूती, ऊनी या वस्त्र संपूर्ण गणीनरी सेक्टर में हो) जिनकी 1970-71 तथा पूर्वतर दो वर्षों के बौद्धान अवक्षयण की व्यवस्था करने के पूर्व हानि है।		विस्तीय वर्ष	1970-71

1	(2)	(3)	(4)
3. सूती मिलें, जो विस्तीय वर्ष 1969-70 संपूर्ण के दौरान किसी तारीख से एक वर्ष या उससे अधिक की अवधि के लिए बद रही थी।		1-4-1969 से 1969-70 में बद रहने की तारीख तक	1-4-1969 से 1969-70 में बद रहने की तारीख तक
4. सूती मिलें, जो विस्तीय वर्ष 1970-71 संपूर्ण के दौरान किसी तारीख से एक वर्ष या उससे अधिक की अवधि के लिए बद रही थी।		1-4-1970 से 1970-71 में बद रहने की तारीख तक	1-4-1970 से 1970-71 में बद रहने की तारीख तक

[फॉ. सं. 25011/30/72-टी. १९०-एक्स-००]

टी. खन्ना, उप-सचिव

MINISTRY OF FOREIGN TRADE

New Delhi, the 25th January, 1973

S.O. 346.—In exercise of the powers conferred by the proviso to sub-section (1) of section 12 of the Textiles Committee Act, 1963(41 of 1963), the Central Government hereby exempts from the payment of fees leviable under Rule 21 of the Textiles Committee Rules, 1965, the manufacturers of textiles and textile machinery specified in column (2) of the Schedule given below to the extent and for the period specified in the corresponding entries, respectively, in columns (3) and (4) thereof:—

SCHEDULE

Serial No.	Manufacturers of textiles and textile machinery	Extent of exemption	Period of exemption
1	2	3	4
1.	All parties (whether in cotton, woollen or textile machinery sector), who have suffered losses before providing for depreciation during the year 1969-70 and two earlier years.	Whole	for the financial year 1969-70.
2.	All parties (whether in cotton, woollen or textile machinery sector), who have suffered losses before providing for depreciation during the year 1970-71 and two earlier years.	Whole	for the financial year 1970-71.
3.	Cotton Mills, which had remained closed for a period of one year or more from any date during the financial year 1969-70.	Whole	from 1-4-1969 upto the date of closure in 1969-70
4.	Cotton Mills, which had remained closed for a period of one year or more from any date during the financial year 1970-71.	Whole	from 1-4-1970 upto the date of closure in 1970-71..

[F. No. 25011/30/72-TEX.A]

T. KHANNA, Dy. Secy.

अनुलिपि को आवश्यकता लाइसेंस के पूरे मूल्य अर्थात् 5000 रु. के लिए है।

उपर्युक्त तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि उपर्युक्त लाइसेंस की मूल सीमाशुल्क निकासी प्रति खो गई/अस्थानस्थ हो गई है और निदेश देता हूँ कि इसकी अनुलिपि आवेदक को जारी की जानी चाहिए। लाइसेंस की मूल सीमाशुल्क निकासी प्रति एकलाख रुपये की जाती है।

[सं. आई/टी. सी./एस. एस. आई/ए-373/ए. एम-71/एन. पी.]

OFFICE OF THE DEPUTY CHIEF CONTROLLER OF IMPORTS AND EXPORTS

Bangalore, the 25th November, 1972

ORDER

Subject:— Cancellation of Customs Purposes copy of licence No. P/S/1676092/C/XX/40/X/33.34. dated 4-9-71 for Rs. 5,000/-

S.O 349.—M/s. Sri Vinayaka Bangles and Plastic Industries, 15.8th Cross, Padarayanaapura, Bangalore, 26, were granted Import licence No. P/S/1676092/C/XX/40/X/33-34 dated 4-9-71 for Rs. 5,000 for the import of Plate glass. They have now applied for duplicate copy of Customs Purposes copy of above licence on the ground that the original of the above Customs Purposes copy of licence has been lost/misplaced without having been registered with any Customs Authority and not utilised at all and that the duplicate copy of Customs Purposes copy of above licence now required is for the full value of the licence i.e. Rs. 5,000.

In support of the above contention the applicant has filed an affidavit. I am satisfied that the original Customs Purposes copy of the above licence has been lost/misplaced and direct that a duplicate copy of Customs Purposes Copy of the above licence should be issued to the applicant. The original Customs Purposes copy of the licence is hereby cancelled.

[No. ITC/SSI/401/C-43/A.M.-72/P]

बंगलौर, 28 नवम्बर, 1972

आवेदक

विषय:—3000 रु. के लिए जारी किए गए लाइसेंस सं. पी/एस/1676080/सी एकस/41/एकस/33-34 विनांक 13-12-71 की सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां को रद्द करना।

का. आ. 350.—सर्वश्री मंसूर सिल्क हाऊस (एक्सपोर्ट्स) नागरथोट क्लास, बंगलौर-2 को संगंध रसायनों, प्राकृतिक सूर्गीघरत तंत्र तथा रौजिनायड के आयात के लिए 3000 रु. का एक आयात लाइसेंस सं. पी/एस/1676080/सी/एकस एकस/41/एकस/33-34, विनांक 13-12-1971 को स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां मत्रास सीमाशुल्क कार्यालय में पंजीकृत करवाने तथा उनका आंशिक उपयोग करने के पश्चात खो गई हैं/कुल मूल जिसके लिए लाइसेंस जारी किया गया था वह 3000 रु. हैं और कुल धनराशि जिस का उपयोग कर लिया गया था वह 1500 रु. हैं और अब शेष मूल्य यानी 1500 रु. मात्र के लिए अनुलिपि सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां की आवश्यकता है।

उपर्युक्त तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि उपर्युक्त लाइसेंस की मूल सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां खो गई हैं और निदेश देता हूँ कि आवेदक को अनुलिपि सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां जारी की जानी चाहिए।

संबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां जारी की जानी चाहिए। उपर्युक्त लाइसेंस की मूल सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां रद्द की जाती हैं।

[सं. आई/टी. सी./एस. एस. आई/ए-373/ए. एम-71/एन. पी.]

के. जयरामन, उप मुख्य नियंत्रक

Bangalore, the 28th November, 1972

ORDER

Subject:—Cancellation of Customs Purposes and Exchange Control Purposes Copies of Licence No. P/S/1676080/C/XX/41/X/33-34 dated 13-12-1971 for Rs. 3,000.

S.O. 350.—M/s. Mysore Silk House (Exporters), Nagarpet Cross, Bangalore-2, were granted an Import licence No. P/S/1676080/C/XX/41/X/33-34, dated 13-12-1971 for Rs. 3,000 for import of Aromatic Chemicals, Natural Essential Oils and Resinoids. They have now applied for duplicate copies of Customs Purposes and Exchange Control Purposes copies of the above licence on the ground that the original of the above Customs Purposes and Exchange Control Purposes copies of the licence have been lost after having been registered with Madras Customs House and utilised partly. The total amount for which the licence was issued is for Rs. 3,000 and the total amount for which the original licence was utilised is Rs. 1,500 and the duplicate copies of Customs Purposes and Exchange Control Purposes copies of the above licence now required is for the balance value of Rs. 1,500 only.

In support of the above contention the applicant has filed an affidavit. I am satisfied that the original Customs Purposes and Exchange Control Purposes copies of the above licence have been lost and direct that duplicate copies of Customs Purposes and Exchange Control Purposes copies of the above licence should be issued to the applicant. The Original Customs Purposes and Exchange Control Purposes copies of the above licence are hereby cancelled.

[No. ITC/SSI/A-373/A.M-71/NP]

K. JAYARAMAN, Dy. Chief Controller

(संचुक्त मुख्य नियंत्रक, आयात-नियंत्रित का कार्यालय)

मद्रास, 6 दिसम्बर, 1972

आवेदक

विषय:—लाइसेंस सं. पी एस/1670024/टी/आ० आर/38/एम/29-30 विनांक 18-3-71 (रुपया क्षेत्र) की बोनों सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण प्रतियां को रद्द करना।

का. आ. 351.—सर्वश्री मंसीज, 4 बी, 4 सी, नार्थ रैलवे टर्मिनस, राधापुरम, मद्रास 13 को अप्रैल, 1969-मार्च 1970 अवधि के लिए स्वीकृत बास बैंचरिंग आपूर्वी के आयात के लिए 21667 रु. का एक आयात लाइसेंस सं. पी/एस/1670024/टी/आ० आर/38/एम/29-30/विनांक 18-3-71, स्वीकृत किया गया था। फर्म ने विषयाधीन लाइसेंस की अनुलिपि सीमाशुल्क कार्यसंबंधी तथा मद्रा विनिमय नियंत्रण बोनों प्रतियां के लिए इस आधार पर आवेदन किया है कि मूल प्रतियां अस्थानस्थ हो गई हैं। उन्होंने यह भी थांबित किया है कि 11667 रु. (रुपया हजार छँ: सौं संक्षिप्त रूपए मात्र) तक लाइसेंस का उपयोग कर लिया गया है। अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है।

मैं संतुष्ट हूँ कि विषयाधीन लाइसेंस की मूल सीमाशुल्क कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण प्रतियां अस्थानस्थ हो गई हैं और निदेश देता हूँ कि आवेदक को 10000 (पैसे हजार रु. मात्र) के लिए उसीकी अनुलिपि प्रति जारी की जानी चाहिए।

लाइसेंस की मूल सीमाशुल्क कार्यसंबंधी प्रति तथा मुद्रा विनिमय नियंत्रण प्रति एकलाइसेंस रद्द की जाती है।

[सं. पी-11/200/ए एम-70/एस एस आई-2]
एम. एफ. आर. बिजली, उप-मुख्य नियंत्रक

OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS AND EXPORTS

Madras, the 6th December, 1972

ORDER

Sub :—Cancellation of both Customs Purpose copy and Exchange Control Copy of Licence No. PS/1670024/T/OR[38]M[29.30] dt. 16-3-1971 (Rupee Area).

S.O. 351.—M/s. Masseys, 4B, 4C, North Railway Terminus Road, Royapuram, Madras-13, were issued a Licence bearing No. PS/1670024/T/OR[38]M[29-30] dated 16-3-1971, for Rs. 21,667 for April, 1969—March 1970 period for import of permissible ball bearings etc. The Firm have now applied for duplicate copies of both Customs Purpose Copy and Exchange Control Copy of the Licence in question on the ground that the original has been misplaced. They have also declared that the Licence has been utilised upto Rs. 11,667 (Rupees Eleven Thousand Six hundred and Sixty seven only). In support of their contention they have filed an affidavit.

I am satisfied that the original Customs Purpose Copy and Exchange Control copy of the licence in question have been misplaced and direct that duplicate copy of the same be issued to the firm for Rs. 10,000 (Rupees Ten thousand only).

The original Customs Purpose Copy and Exchange Control Copy of the licence is hereby cancelled.

[F. No. P-11/200/AM/70/SSI-2]
M. F. R. BIJILI, Dy. Chief Controller

(उप-मुख्य नियंत्रक, आमत-विभाग का कार्यालय)

(लोका तथा इस्पात)

फरीदाबाद, 3 नवम्बर, 1972

आवेदक

का. आ. 352.—सर्वश्री कृष्ण प्रा. लि., 20-मोर्गे लेन, कलकत्ता को अप्रैल, मार्च 70 अवधि के लिए यू. के. भारत अनुसंधान प्रणा (सं. 2) के अंतर्गत औंजार तथा अलाय स्टील मर्वों के आयात के लिए 29600 रु. का एक आयात लाइसेंस सं. पी/डी/8542721/आर/एस एल/38/डी/29-30 एम. एल-1 विनांक 21-1-71 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रति अस्थानस्थ हो गई है। आगे यह बताया गया है कि मूल लाइसेंस कलकत्ता सीमाशुल्क कार्यालय में पंजीकृत करवाया गया था और 9950.91 रु. के लिए उसका आंशिक उपयोग किया गया था।

इस तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि लाइसेंस सं. 8542721 विनांक 21-1-71 की मूल मुद्रा विनिमय नियंत्रण प्रति अस्थानस्थ हो गई है और निदेश देता हूँ कि मूल सीमाशुल्क निकासी कार्यसंबंधी प्रति रद्द कर आवेदक को शेष बचे मूल्य यानी 6738 रु. के लिए अनुलिपि सीमाशुल्क निकासी कार्यसंबंधी प्रति जारी की जानी चाहिए।

[सं. एस. सी-1/600/ए एम-70/बोल्ट्स/आई एस टी]

OFFICE OF THE DEPUTY CHIEF CONTROLLER OF IMPORTS AND EXPORTS

(Iron and Steel)

Faridabad, the 3rd November, 1972

ORDER

S.O. 352.—M/s. Shree Krishna Pvt. Ltd., 20-Mangoe Lane, Calcutta were granted an import licence No. P/D/8542721[R/ML]38[D]29-30 MLI dated 21-1-1971 under U.K. India Maintenance Loan (No. 2) 1970 for the period AM-70 for import of Tool & Alloy Steel item for Rs. 29,600. They have applied for duplicate ECP. Copy of the above licence on the ground that the original ECP Copy has been misplaced. It is further stated that the original licence was registered with Calcutta Customs House and was utilised partly for Rs. 9,950.91.

In support of this contention, the applicant has filed an affidavit. I am satisfied that the original ECP Copy of licence No. 8542721 dated 21-1-1971 has been misplaced and direct that the duplicate ECP copy of the licence should be issued to the applicant for the balance value of Rs. 19,649.09 on cancellation of the original ECP Copy.

[No. LC-I/600/AM-70/oits/Ist.]

फरीदाबाद, 7 नवम्बर, 1972

आवेदक

का. आ. 353.—सर्वश्री लार्सेन एंड ट्रूब्रो लि., साकी विहार रोड, बम्बई-72 ए पैस का अप्रैल-मार्च-71 अवधि के लिए रामान्य मुद्रा क्षेत्र के अंतर्गत अविकारी इस्पात सलाखों के आयात के लिए 10500 रु. का एक आयात लाइसेंस सं. पी/डी/8560304/सी/एस एस/40/डी/31-32 विनांक 27-9-71 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क निकासी कार्यसंबंधी प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी प्रति अस्थानस्थ हो गई है। आगे यह बताया गया है कि मूल लाइसेंस कलकत्ता सीमाशुल्क कार्यालय में पंजीकृत करवाया गया था और 9950.91 रु. के लिए उसका आंशिक उपयोग किया गया था।

इस तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि लाइसेंस सं. 8560304 विनांक 27-9-71 की मूल सीमाशुल्क निकासी प्रति अस्थानस्थ हो गई है और निदेश देता हूँ कि मूल सीमाशुल्क निकासी कार्यसंबंधी प्रति को रद्द कर आवेदक को शेष बचे मूल्य यानी 6738 रु. के लिए अनुलिपि सीमाशुल्क निकासी कार्यसंबंधी प्रति जारी की जानी चाहिए।

[सं. पी/एस-7/ए एम-71/एस/ई एस/ए एस/एस सी-1/डीसीसीएफ]

Faridabad, 7th December, 1972

ORDER

S.O. 353.—M/S. Larsen & Toubro Ltd. Saki Vihar Road, Bombay-72-AS, were granted an import licence No.P/D/8560304/C/XX/40/D/31-32 dated 27-9-1971 under G.C.A. for the period AM-71 for import of Stainless Steel Bars for Rs. 10500. They have applied for duplicate CCP Copy of the above licence on the ground that the original CCP Copy has been lost/misplaced. It is further stated that the original licence was utilised partly for Rs. 3,762.

In support of this contention, the applicant has filed an affidavit. I am satisfied that the original CCP Copy of licence No. 8560304 dt. 27-9-71 has been misplaced and direct that the duplicate CCP copy of the licence should be issued to the applicant for the balance value of Rs. 6,738 in cancellation of the original CCP Copy.

[No. P/L-7/AM-71/Agro/EX/AU/LC-I/DCCF]

फरीदाबाद, 22 नवम्बर, 1972

आवेदन

का. आ. 354.—सर्वश्री नेशनल फाउन्ड्री एंड इन्जी. बर्क्स, जी.टी. रोड, फगवारा को अप्रैल-मार्च 1971 की अवधि के लिए यू. के. क्रैफ्ट के अंतर्गत 1.6 एम एम तथा इससे पतली एम.एम. शीट कीटां (सभी कर्फीट शीट कंटिंग के छांड कर) के आयात के लिए बम्बर्ड पंजीयन पत्तन के लिए 11,925 रु. का एक आयात लाइसेंस सं. पी/एस/8546465/आर/एम.एल./38/डी/31-32 एम. एल. 1 दिनांक 26-2-71 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है। आगे यह बताया गया है कि लाइसेंस का विलक्षण उपयोग नहीं किया गया था।

इस तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं संक्षेप हूँ कि लाइसेंस सं. पी/एस/8546465/आर/एम.एल./38/डी 31-32 एम. एल. 1 दिनांक 26-2-71 को मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है और निवेश बोता हूँ कि आवेदक को विषयाधीन मूल लाइसेंसों को रद्द करते हुए लाइसेंसों की अनुलिपि सीमाशुल्क निकासी कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण प्रति खो गई है। आगे यह बताया गया है कि लाइसेंस का विलक्षण उपयोग नहीं किया गया था।

[सं. पी/एस-8/ए.एम/71-स.यू./ए.यू.पी.वी./डी.सी.सी.एस.]

Faridabad, the 22nd November, 1972

ORDER

S.O. 354.—M/s. National Foundry and Engineering Works, G. T. Road, Phagwara were granted one import licence No. P/S/8546465/R/ML/38/D/31-32 MLI dated 26-2-1971 for Rs. 11,925/- issued under U. K. Credit for M. S. Sheet Cutting 1.6 mm and thinner (excluding all coated sheet cuttings) for the period April March 1971 with the port of registration Bombay. They have applied for duplicate Exchange Control Purpose Copy of this licence on the Exchange Control Purpose Copy of this licence on the ground that the Original Exchange Control Purpose Copy of this licence has been lost. It is stated that the licence was not utilised at all.

In support of this contention the applicant has filed an affidavit. I am satisfied that the original Exchange Control Purpose Copy of import licence No. P/S/8546465/R/ML/38/D/31-32 MLI dated 26-2-1971 has been lost and direct that the duplicate licence in Exchange Control Purpose Copy should be issued to the applicant in cancellation of the original licence in question.

[File No. P/N-8/AM-71/NU/AUPB|DCCF]

फरीदाबाद, 13 नवम्बर, 1972

आवेदन

का. आ. 355.—सर्वश्री सिंगल एंड कॉ., गिल रोड, मिल्लर गंज, लौधियाना को अप्रैल-मार्च 71 अवधि के लिए सामान्य मुद्रा क्षेत्र, रुपए क्षेत्र तथा यू. के. क्रैफ्ट के अंतर्गत प्राइम माइल्ड स्टील फॉर्जिंग क्वालिटी बिल्टेस 125 एम एम x 125 एम x 125 एम तथा कम गाले के आयात के लिए 25,000 रु., 25,000 रु. तथा 50,000 रु. के लिए बम्बर्ड पंजीयन पत्तन के साथ क्रमशः आयात लाइसेंस सं. पी/एस/8546900/सी/एस/38/डी/31-32 (2) पी/एस/8546901/डी/आर/एम.एल./38/डी/31-32 तथा (3) पी/एस/8546902/आर/एम.एल./38/डी/31-32 एम एल-1 जारी किए गये थे। उन्होंने उपर्युक्त लाइसेंसों की अनुलिपि सीमाशुल्क निकासी कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण

प्रतियां के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण प्रतियां खो गई हैं। आगे यह बताया गया है कि लाइसेंस का विलक्षण उपयोग नहीं किया गया था।

इस तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं संक्षेप हूँ कि आयात लाइसेंस सं. पी/एस/8546900/सी/एस/38/डी/31-32, पी/एस/8546901/टी/आर/एम.एल./38/डी/31-32 तथा पी/एस/8546902/आर/एम.एल./38/डी/31-32 एम एल. 1 सभी का दिनांक 16-3-71 है कि मूल सीमाशुल्क निकासी कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण प्रतियां खो गई हैं और निवेश देता हूँ कि आवेदक को विषयाधीन मूल लाइसेंसों को रद्द करते हुए लाइसेंसों की अनुलिपि सीमाशुल्क निकासी कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण प्रतियां जारी की जानी चाहिए।

[सं. पी/एस-27/ए एम-71/सदर्थ/एस्यूपीवी/एनए/एलसी-2/डीसीसीएफ]

के. एम. कपूर, उप मुख्य नियंत्रक

Faridabad, the 13th December, 1972

ORDER

S.O. 355.—M/s. Single and Co., Gill Road, Miller Ganj Ludhiana were granted three import licence Nos. (1) P/S/8546900/C/XX/38/D/31-32, (2) P/S/8546901/T/OR/38/D/31-32 and (3) P/S/8546902/R/ML/38/D/31-32 MLI all dated 16th March, 1971, for Rs. 25,000, Rs. 25,000 and Rs. 50,000 issued under G.C.A., Rupee and U.K. Credit respectively for the item Prime Mild Steel Forging Quality Billets 125 mm x 125 mm and below for the period AM-71 with the port of registration, Bombay. They have applied for duplicate Customs Clearance Purpose copies and Exchange Control Purpose copies of these import licences on the ground that the original Customs Clearance Purpose copies and Exchange Control Purpose copies of these licences have been lost. It is stated that the licences were not utilised at all.

In support of this contention, the applicant has filed an affidavit. I am satisfied that the original customs clearance purpose copies and Exchange Control purpose copies of import licence Nos. P/S/8546900/C/XX/38/D/31-32, P/S/8546901/T/OR/38/D/31-32 and P/S/8546902/R/ML/38/D/31-32 MLI all dated 16th March, 1971, have been lost and direct that the duplicate licences in Customs Clearance Purpose copies and Exchange Control Purpose copies should be issued to the applicant in cancellation of the original licences in question.

[No P/S-27/AM-71/Ad hoc/AUPB]NU|LC-II|DCCF]

K. N. KAPOOR, Dy. Chief Controller

(संप्रयत्न-मुख्य नियंत्रक, आयात-नियंत्रण का कार्यालय)

(कल्पनीय लाइसेंस क्षेत्र)

नई दिल्ली, 21 अक्टूबर, 1972

आवेदन

का. आ. 356.—सर्वश्री टैलीस्टार टैलीपिजन इन्डस्ट्रीज प्रा. लि., प्लाट सं. 39, फैज-3, ओखला इन्डस्ट्रियल इस्टर्न, नई दिल्ली को 6056 रु. तक अप्रैल-मार्च 72 की रुँड ब्रूक के था. 1 के परीशष्ट 38 में चिखाई गई सभी भूक्तां (2) 1514 रु. तक रिकार्ड चंजार तथा (3) 3028 रु. मात्र तक टैप रिकार्ड, रिकार्ड चंजार तथा रिकार्ड प्लैटर्स में उपयोग के लिए संघटक, पूर्ण पूर्जे उप-संयोजन तथा मुख्य संयोजन के आयात के लिए लाइसेंस संख्या : पी/एस/2622779/सी/एसएस/41/डी/33-34, दिनांक 26-10-71 की अनुलिपि सीमाशुल्क कार्य सम्बन्धी प्रति जिसकी सं. डी 2462139, दिनांक 26-10-71 है, नामित के रूप में स्वीकृत की गई थी। लाइसेंसधारी ने अब पहुँचना दी है कि चूंकि लाइसेंस सं. पी/एस/2622779/सी/एस

एस/41/डी/33-34, दिनांक 26-10-71 की मूल सीमाशुल्क कार्य-सम्बन्धी प्रति उन्हें मिल गई है, इसीलए उन्होंने लाइसेंस की अनु-लिपि सीमाशुल्क कार्यसंबंधी प्रति संलग्न डी/2462139 दिनांक 26-10-71 को रख करने हेतु वापिस भेज किया है।

इसीलए, अधितन आवात व्यापार नियंत्रण आदेश, 1955 दिनांक 7-12-1955 की धारा 9-सी के अनुसरत प्रकृत अधिकर्ता का प्रयोग कर लाइसेंस की अनुलिपि सीमाशुल्क कार्यसंबंधी प्रति सं. डी-2462139, दिनांक 26-10-71 जो सर्वश्री टेलीस्टार टेलीप्रीज़न इन्डियन प्रा. लि., नई दिल्ली को जारी की गई थी, एसइइवारा रक्ष की जाती है।

[सं. हंजी. 81/ए. डी.-71/एस. सी.-1/सी. एस. ए।

ए. एस. भल्ला, उप-मुख्य नियंत्रक
कृत संयुक्त मुख्य नियंत्रक

New Delhi, 21st October, 1972

S.O. 356.—M/s. Telestar Television Industries Pvt. Ltd., Plot No. 39, Phase-III, Okhla Industrial Estate, New Delhi, were granted DUPLICATE of Customs copy of licence No. 1. P/L/2622779/C/XX/41/D/33-34 dt. 26-10-71 bearing No. D. 2462139 dt. 26-10-71 as nominee for import of all items appearing in Appx. 38 of Vol I April-March, 1972 Red Book upto Rs. 6056/- 2. Record Changer upto Rs. 1514/- and 3. Components complete parts sub-Assemblies & main Assemblies for use in Tape Recorders, Record Changers & Record players upto Rs. 3028 only. The licensee has since intimated that the Original Customs copy of the licence No. P/L/2622779/C/XX/41/D/33-34 dt. 26-10-71 has since been traced by them. They have returned the Duplicate Customs Copy of the licence No. D-2462139, dt. 26-10-71 for cancellation.

Therefore, in exercise of the powers conferred on me under subject clause 9-C in the IMPORT TRADE CONTROL ORDER, 1955 dated 7-12-55 as amended up-to-date the said duplicate Customs Copy of licence No. D-2462139 dated 26-10-71 issued to M/s. Telestar Television Industries Pvt. Ltd. New Delhi is hereby cancelled.

[No. Engg.-61/AJ-71/SC-I/CLA]

A. L. BHALLA, Dy. Chief Controller

ऑक्सीजिक विकास मंत्रालय

नई दिल्ली, 20 जनवरी, 1973

राष्ट्रीय-पत्र

का. आ. 357.—भारत के राजपत्र, असाधारण, भाग 2, खण्ड 3, उपखण्ड (2) के पृष्ठ 1704-1705 पर प्रकाशित भारत सरकार के ऑक्सीजिक विकास मंत्रालय के आदेश सं. का. आ. 621 (ई) /15/ आई डी आर ए/72, तारीख 23 दिसंबर, 1972 में—

पृष्ठ 1705 पर, पंक्ति 6 में, “एम. पी. कलकर्णी” के स्थान पर “एम. वी. कलकर्णी” पढ़ें।

[सं. फा. 11(13)/72-सी. दू. सी.]

मिनेश किशोर सक्सेना, संयुक्त सचिव

MINISTRY OF INDUSTRIAL DEVELOPMENT

New Delhi, the 20th January, 1973

CORRIGENDUM

S.O. 357.—In the Order of the Government of India, in the Ministry of Industrial Development No. S.O. 621(E)/15/ IDRA/72, dated the 23rd September, 1972, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii), at pages 1703-1704,—

At page 1704, in line 11, for

M. P. Kulkarni”, read “M. V. Kulkarni”.

[F. No. 11(13/72-CUC]

D. K. SAXENA, Jt. Secy.

(भारतीय मामक संस्था)

नई दिल्ली, 25 जनवरी, 1973

का. आ. 358.—भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (2) दिनांक 13 मई, 1972 में प्रकाशित एस. आ. 1111 दिनांक 21 फरवरी, 1972 के क्रम में अधिसूचित किया जाता है कि आई एस आई प्रमाणन मुक्त योजना कार्यालय के लिए IS 325-1961 एक वर्ष की अंतर अवधि अर्थात् 31 जुलाई 1973 तक IS 325-1970 के साथ लागू रहेगा।

[सं. सी. एम. डी. 13 : 21]

ए. श्री. राव, निदेशक (संट्रल मार्क्स)

INDIAN STANDARDS INSTITUTION

New Delhi, the 25th January, 1973

S.O. 358.—In continuation of the notification published under No. S.O. 1111 dated 21 February, 1972 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 13 May, 1972, it is hereby notified that for purposes of ISI Certification Marks Scheme, IS : 325-1961 shall run concurrently with IS : 325-1970 for a further period of one year, namely upto 31st July 1973.

[No. CMD/13:2]

A. B. RAO, Director (Central Marks)

नई दिल्ली, 31 जनवरी, 1973

आदेश

का. आ. 359.—आर. एस. आई. यू. आर/18/1-ऑक्सीजिक उपकरणों का पंजीयन तथा लाइसेंसिकरण विषय, 1952 के नियम 18 के अनुसारण में आंतर भारत सरकार के ऑक्सीजिक विकास तथा आंतरिक व्यापार मंत्रालय के आदेश का. आ. सं. 2582/आर. एल. आई. यू. आर/18/1 दिनांक 24 जुलाई, 1970 का अधिलंघन करते हुए उत्थानों की केन्द्रीय सलाहकार परिषद् एसइइवारा 28 अगस्त,

1974 तक के लिये संबीक्षा उप समिति गठित करती है, जिसमें निम्नलिखित समस्य होंगी, अर्थात् :—

अध्यक्ष

1. अध्यक्ष, भारत का ऑफिशियल अण तथा निषेध निगम लि.

समस्य

2. अध्यक्ष, भारतीय वाणिज्य तथा उत्पादन मंडल संघ :
3. अध्यक्ष, एसोसिएटेड चैम्बर्स ऑफ कार्मर्स एण्ड हृष्टस्ट्री ऑफ हृष्टिया
4. अध्यक्ष, यूनियन इंडियन्स का राष्ट्रीय मंच
5. अध्यक्ष, ऑखिल भारतीय निर्माता संघटन
6. श्री एम. ए. चिदम्बरम
7. प्रबंध निवृत्तक, पंजाब राज्य ऑफिशियल विकास निगम
8. अध्यक्ष, हिन्दूस्तान स्टील लि.
9. श्री ए. आर. भट
10. श्री ए. एम. खुस्रो
11. श्रीमती कमर अहमद
12. श्री जी. रामानूजम
13. श्री एस. ए. छांगी
14. श्री महेश देसाई
15. श्री हंसर सिंह, संसद-समस्य
16. श्री विजय चन्द्र भगवती, संसद-समस्य

2. उप समिति का कार्य समय-समय पर जारी, अस्तीकृत, पौर्वीत, संसाधित अधिकार प्रतिसंहार किए गये सभी लाइसेंसों की संबीक्षा करना तथा नए उपकरणों की स्थापना करने अधिकार विद्यमान उपकरणों का पर्याप्त विस्तार करने के लिये लाइसेंसों को जारी करने में अनुपालनार्थ सामान्य सिद्धान्तों पर सरकार को सलाह देंगे।

[सं. 2(4)/एम. ए. /72]

वी. आनन्द, अवर सचिव

New Delhi, the 31st January, 1973

ORDER

S.O. 359/RLIUR/18/I.—In pursuance of rule 18 of the Registration & Licensing of Industrial Undertakings Rules, 1952 and in supersession of the Order of the Government of India in the Ministry of Industrial Development and Internal Trade S.O. No. 2582/RLIUR/18/I, dated the 24th July, 1970, the Central Advisory Council of Industries hereby constitutes the Reviewing Sub-Committee till the 28th August 1974, consisting of the following members, namely :—

Chairman

1. Chairman, Industrial Credit & Investment Corporation of India Ltd.

Members

2. President, Federation of Indian Chambers of Commerce & Industry.
3. President, Associated Chambers of Commerce & Industry of India.
4. President, National Alliance of Young Entrepreneurs.
5. President, All India Manufacturer's Organisation.
6. Shri M. A. Chidambaram.
7. Managing Director, Punjab State, Industrial Development Corporation.
8. Chairman, Hindustan Steel Ltd.
9. Shri A. R. Bhat.
10. Dr. A. M. Khusro.
11. Mrs. Qamar Ahmed.
12. Shri G. Ramanujam.
13. Shri S. A. Dange.
14. Shri Mahesh Desai.
15. Shri Inder Singh, M.P.
16. Shri Bijoy Chandra Bhagavati, M.P.

2. The functions of the sub-Committee will be to review all licences issued, refused, varied, amended or revoked from time to time and to advise Government on the general principles to be followed in the issue of licences for establishing new undertakings or substantial expansion of the existing undertakings.

[No. 2(4)/Lic.Pol./72]

V. ANAND, Under Secy.

नई दिल्ली, 1 फरवरी, 1973

का. पा. 260.—ट्रैक्टर (कीमत नियंत्रण) भारत, 1967 के धंडे 4 डारा प्रदत्त शासियोंका प्रयोग करते हुए, केन्द्रीय सरकार, एस्कोर्ट्स मॉडल 3036 और मॉडल 335 ट्रैक्टरों की विकास कीमत, एतद्वारा 25,200/- रु. नियत करती है और भारत सरकार के शासियोंका विकास मंदालय की अधिकृत भारतीय विकास मंदालय सं. का.पा. 135(ई), तारीख 11 फरवरी, 1972 में निम्नलिखित संशोधन करती है

उक्त अधिकृतना में, कम सं. 5 और उससे संबंधित प्रविद्धियों के प्रत्यावरु निम्नलिखित कम संख्याक अन्तःस्थापित किये जायेंगे, अर्थात् :—

“5क. एस्कोर्ट्स मॉडल 35 एच०पी० मैसर्स एस्कोर्ट्स लिमि-	25,200/-
इंजन चालिस ट्रैक्टर 3 सिलेंडर ट्रैट, 18/4, मधुरा रु.	
मॉडल-3036 विस के भागले दायर जल-शीतित रोड, फरीदाबाद (हरियाणा)	
5.50/600-16	
और पिछले दायर	
12. 4/11-28 के हों।	
5.6. एस्कोर्ट्स मॉडल 35 एच०पी० मैसर्स एस्कोर्ट्स लिमि-	25,200/-
इंजन चालिस मॉडल 2 सिलेंडर ट्रैट, 18/4, मधुरा रु.	
335, विसके भागले रोड, फरीदाबाद	
दायर 5. 50/600-	
16 और पिछले जल-शीतित (हरियाणा)।	
दायर 12. 4/11-28 के हों।	

[का.पा. 135(ई) 11/5(14)/72]

एन. राधाकृष्णन, उप-सचिव

New Delhi, the 1st February, 1973

S.O. 360.—In exercise of the powers conferred by Clause 4 of the Tractors (Price Control) Order, 1967, the Central Government hereby fixes the sale price of Escorts Model 3036 & Model 335 tractors at Rs. 25,200/- and makes the following amendment in the notification of the Government of India, in the Ministry of Industrial Development No. S.O. 135 (E), dated the 11th February, 1972.

In the said notification, after Serial No. 5 and the entries relating thereto, the following Serial Nos. shall be inserted, namely :—

“5A. Escorts Diesel Engine driven tractor Model 3036 with front tyres 5.50/600-16 and rear tyres 12.4/11-28.	35 HP M/s. Escorts Rs. 25,200
3 cylinders 18/4, Mat-water cooled	Limited, Hura Road, Faridabad, (Haryana)
5B. Escorts Diesel Engine driven Model 335 with front tyres 5.50/600-16 and rear tyres 12.4/11-28.	35 HP M/s. Escorts Rs. 25,200
2 cylinders 18/4, Mat-water cooled	Limited, Hura Road, Faridabad, (Haryana)

[F. No. AE.Ind-II/5(14)/72]

N. RADHAKRISHNAN, Dy. Secy.

पेट्रोलियम और रसायन मंत्रालय

(पेट्रोलियम विभाग)

नई बिल्ली, 29 जनवरी 1973

का. आ. 36.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन तथा खान और धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का. आ. 1873 तारीख 22-4-73 द्वारा कन्नौज सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आवाय घोषित कर दिया था।

आँर यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे वी है।

आँर आगे, यतः कन्नौज सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उपयोग का अधिकार अर्जित करने का विनियवय किया है।

अब, असः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शीक्षा का प्रयोग करते हुए कन्नौज सरकार इसकारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उपयोग की अधिकार अर्जित करने का विनियवय किया जाता है।

आँर, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शीक्षायों का प्रयोग करते हुए कन्नौज सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार कन्नौज सरकार में विहित होने के बजाय सेवा और प्रकृतिक गैस आयोग में सभी बंधकां से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

काड़ी 12 से काड़ी 4 तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : महासाना	तालुका : काड़ी पी.ए.		
		वार्ग	सर्वेक्षण संख्या	फैस्टर ए.धारा.ई. भार.ई.
1	2	3	4	5
काड़ी	1363/1	0	2	00
	1362/1	0	1	65
	1352/1	0	11	47
	1350	0	1	47
	1353	0	3	54
	1349	0	3	78
	1347	0	2	20
	1348	0	5	89
	1314	0	5	37
	1315/1	0	2	94
	1315/2	0	6	40
	1316	0	3	29
	1317	0	0	50
	1326	0	4	51
	1325	0	17	76
	1331	0	0	75
	1643	0	0	93
	1642	0	0	50

1	2	3	4	5
	1640/2	0	5	96
	1639/1	0	7	11
	1639/2	0	0	75
	1638/2	0	6	29
	1638/3	0	6	71
	1636	0	10	85
	बी.पी.कार्ट ईक	0	0	61
	1831-4	0	7	68
	बी.पी.कार्ट ईक	0	0	55
	1835	0	7	75
	1839	0	17	56
	1840/पी	0	0	92
	1851	0	11	03
	1849	0	15	86
	बी.पी.कार्ट ईक	0	2	55
	1955	0	8	00

[सं. 11/2/72 लैंब एण्ड लैंजस]

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 29th January, 1973

S.O. 361.—WHEREAS by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 1873 dated 22-4-1972 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

AND WHEREAS the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

AND FURTHER WHEREAS the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

NOW THEREFORE in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

AND FURTHER in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances,

[No. 11/2/72-Lab. & Legis.]

SCHEDULE
Laying Pipeline from Kadi 12 to Kadi 4

State : Gujarat Dist : Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Are	P.Are
KADI	1363/1	0	2	00
	1362/1	0	1	65
	1352/1	0	11	47
	1350	0	1	47
	1353	0	3	54
	1349	0	3	78
	1347	0	2	20
	1348	0	5	89
	1314	0	5	37
	1315/1	0	2	94
	1315/2	0	6	40
	1316	0	3	29
	1317	0	0	50
	1326	0	4	51
	1325	0	17	76
	1331	0	0	75
	1643	0	0	93
	1642	0	0	50
	1363/2	0	2	00
	1362/2	0	1	65
	1352/2	0	11	47
	1353	0	3	54
	1349	0	3	78
	1347	0	2	20
	1348	0	5	89
	1314	0	5	37
	1315/1	0	2	94

1	2	3	4	5
	1315/2	0	6	40
	1316	0	3	29
	1317	0	0	50
	1326	0	4	51
	1325	0	17	76
	1331	0	0	75
	1643	0	0	93
	1642	0	0	50
	1640/2	0	5	96
	1639/1	0	7	11
	1639/2	0	0	75
	1638/2	0	6	29
	1638/3	0	6	71
	1636	0	10	85
	V.P. Cart Track	0	0	61
	1831/3	0	7	68
	V.P. Cart Track	0	0	55
	1835	0	7	75
	1839	0	17	56
	1840/P	0	0	92
	1851	0	11	03
	1849	0	15	86
	V.P. Cart Track	0	2	55
	1955	0	8	00

[No. 11/2/72-Lab. & Legis.]

का. आ. 362.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और सायन तथा खान और धातु, मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का. आ. 1870 तारीख 22-4-72 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन के विछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय सेल और प्रकृतिक गैस आयोग में सभी बंधकां से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय सेल और प्रकृतिक गैस आयोग में सभी बंधकां से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

प्रत्यक्षी

152 से जी०जी०एस० V तक पाइपलाइन विछाने के लिए

राज्य : गुजरात	जिला : महासाना	तालुका : कलोल
गांव	सर्वेक्षण सं०	हेक्टर
		ए०आर० पी०००
		ई० शार०ई०
ओला	522/1	0 6 04
	523/3	0 1 40
इसन्द	565	0 8 72
	566	0 5 98
	564	0 2 53

[सं. 11/2/72-लेखर एण्ड सैजिस]

S.O. 362.—WHEREAS by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 1870 dated 22-4-1972 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

AND WHEREAS the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government :

AND FURTHER WHEREAS the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification hereby acquired for laying the pipelines ;

AND FURTHER in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDE
Laying Pipeline from 152 to G.G.S. V

State : Gujarat		Dist : Mehsana	Taluka : Kalol	
Village	Sarvey No.	Hectare	Are. P. Are.	
OLA	522/1	0	6	04
	523/3	0	1	40
ISAND	565	0	8	72
	566	0	5	98
	564	0	2	53

[No. 11/2/72-Lab. & Legis.]

का. आ. 363.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और सायन तथा खान और धातु, मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का. आ. 1872 तारीख 22-4-72 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार विनिर्दिष्ट करने के विनिश्चय किया है।

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय सेल और प्रकृतिक गैस आयोग में सभी बंधकां से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय सेल और प्रकृतिक गैस आयोग में सभी बंधकां से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

135 से जी०जी०एस० iii तक पाइपलाइन बिछाने के लिए

राज्य: गुजरात	जिला: महसाना	तालुका: कलोल		
गांव	सर्वेक्षण सं०	हेक्टर	ए०आर० पी०ए०	ह० आर०ई०
चतराल	122	0	11	96
	124/1	0	3	61
	124	0	6	71
	124/2	0	7	08
	125	0	8	20
	128/2	0	1	83

[सं. 11/2/72-लैब एण्ड लैजिस]

S.O. 363.—WHEREAS by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. 1870 dated 22-4-1972 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

AND WHEREAS the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

AND FURTHER WHEREAS the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

NOW THEREFORE in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

AND FURTHER in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Laying Pipeline from 135 to G.G.S. III

State : Gujarat	Dist : Mehsana	Taluka : Kalol		
Village	Survey No.	Hectare	Are	P. Are.
CHATRAL .	122	0	11	96
	124/1	0	3	61
	124	0	6	71
	124/2	0	7	08
	125	0	8	20
	128/2	0	1	83

[No. 11/2/72-Lab. & Legis.]

फा. आ. 364.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और स्थानीय राशा राणा और धारा 5 गंड-लैय (पेट्रोलियम दिभाग) की अधिसूचना का आ. 2610 तारीख 19-5-72 द्वारा केन्द्रीय सरकार ने उत अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शर्कित का प्रयोग करते हुए केन्द्रीय सरकार एलाइनरा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एलाइनरा अर्जित किया जाता है।

आगे, आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शर्कित का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बंधकों से मुक्त स्पष्ट में, इस घोषणा के प्रकाशन की इस तारीख को निर्हित होगा।

अनुसूची

बी०एस० के 63 से के-18 तक पाइपलाइन

राज्य: गुजरात	जिला: महसाना	तालुका: कलोल
गांव	सर्वेक्षण संख्या	हेक्टर ए आर ई पी ए आर
सेज	223	0 6 68
	224	0 6 31
	227	0 3 06
228 नथा 229	0 1 03	
203	0 16 30	
बी०पी०कार्ट ट्रैक	0 00 73	
202	0 2 10	
287	0 9 05	
286	0 4 54	
285	0 5 02	
2933	0 1 72	
292/1	0 8 90	
344	0 8 08	
380	0 6 08	
349/1	0 9 80	

[सं. 11/2/72-लैब एण्ड लैजिस]

S.O. 364.—WHEREAS by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. 2610 dated 19-5-72 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

AND WHEREAS the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

AND FURTHER WHEREAS the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

NOW THEREFORE in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

AND FURTHER in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipe line from D.S. K-63 to K-18

State : Gujarat Dist : Mehsana Tal : Kalol

Village	Survey No.	Hectare	Are	P.	Are
Sajj	223	0	6	68	
	224	0	6	31	
	227	0	3	06	
	228 & 229	0	1	05	
	203	0	16	30	
	202	0	2	10	
	V.P. Cart track	0	00	73	
	287	0	9	05	
	286	0	4	54	
	285	0	5	02	
	293/3	0	1	72	
	292/1	0	8	90	
	344	0	8	08	
	350	0	6	08	
	349/1	0	9	60	

[No. 11/2/72-Lab. & Legis.]

का. आ. 365.—यतः पैट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार के अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम और रसायन तथा खान और धातु, मंत्रालय (पैट्रोलियम विभाग) की अधिसूचना का आ. सं. 2612 तारीख 19-5-72 इवारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्विट्ट भूमियों के उपयोग के अधिकार के पाइप लाइन के विछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्विट्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिरेख्य किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) इवारा प्रकृत शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एकान्तरारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्विट्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विछाने के प्रयोजन के लिए एकान्तरारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) इवारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश द्वारा हैती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विविहत होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी बंधकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख के निहित होगा।

अनुसूची

[शी.एस. 149 से जी.ओ.एस. VI तक पाइपलाइन के लिये]

राज्य: गुजरात जिला: महसाना तालुका: काडी

गांव	सर्वेक्षण संख्या	हेक्टर	ए.मार.रू. ०	पी.मार.रू. ०	1	2	3	4	5	6
जुलासन	437/पी०	0	3	21						
	जी.ओ.एस. कार्ट ट्रैक	0	0	67						
	516/3	0	8	78						
	515/2	0	6	41						
	515/1	0	6	22						
	519/2	0	8	21						
	519/1	0	10	57						
	V.P. Cart track	0	00	75						
	545/पी०	0	1	46						
	544	0	10	10						
	543/2	0	13	34						
	542/2	0	4	54						
	542/1	0	5	61						
	541	0	8	71						
	549/3	0	13	42						
	549/4	0	3	90						
	556	0	15	05						
	557	0	6	66						

	1	2	3	4	5	6
जुलासन	515/1	0	6	22		
	519/2	0	8	21		
	519/1	0	10	57		
	जी.ओ.एस. कार्ट ट्रैक	0	00	75		
	545/पी०	0	1	46		
	544	0	10	10		
	543/2	0	13	34		
	542/2	0	4	54		
	542/1	0	5	61		
	541	0	8	71		
	540/3	0	13	42		
	549/4	0	3	90		
	556	0	15	05		
	557	0	6	66		

[सं. 11/2/72-लेबर एंड लैंजिस.]

आर. एन. चौपडा, अवार सचिव।

S.O. 365.—WEREAS by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 2612 dated 19-5-72 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

AND WHEREAS the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

AND FURTHER WHEREAS the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

NOW THEREFORE in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

AND FURTHER in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall, instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE
PIPELINE FROM D.S. K-149 TO G.D.S. VI
STATE : GUJARAT DIST : MKHSALA TAL : KADI

Village	Survey No.	Hectare	Are	P. Are
ZULASN	437/P	0	3	21
	V.P. Cart track	0	0	67
	516/3	0	8	78
	515/2	0	6	41
	515/1	0	6	22
	519/2	0	8	21
	519/1	0	10	57
	V.P. Cart track	0	00	75
	545/P	0	1	46
	544	0	10	10
	543/2	0	13	34
	542/2	0	4	34
	542/1	0	5	61
	541	0	8	71
	549/3	0	13	42
	549/4	0	3	90
	556	0	15	05
	557	0	6	66

[No. 11/2/72-Lab. & Legis.]

R. N. CHOPRA, Under Secy.

कृषि मंत्रालय
(कृषि विभाग)

नई दिल्ली, 19 जनवरी, 1973

का. आ. 366.—पशु अनुसरण अधिनियम 1960 (1960 का 59) के खण्ड 15 के उप-खण्ड (1) के अनुसरण में और भूतपूर्व खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय (कृषि विभाग) भारत सरकार की अधिसूचना संख्या एस. आ. 1023, दिनांक 11/13 मार्च, 1968 के अधिक्रमण में कन्निया सरकार पशु कल्याण बोर्ड की सलाह से एसड़िवारा पशुओं पर रिकार्ड जाने वाले प्रयोगों को नियंत्रित करने और देखभाल के लिए समीक्षा का पुनर्गठित करती है जिसके सदस्य निम्नलिखित व्यक्तियां होंगे :—

और सरकारी सदस्य

- (1) श्री पी. बी. जी. राजू, संसद सदस्य (लोक सभा) नई दिल्ली ।
- (2) संसद सदस्य लोक सभा (रिकार्ड)
- (3) संसद सदस्य, राज्य सभा (रिकार्ड)
- (4) श्रीमती रुक्मिणी देवी अरन्डेल, अध्यक्ष, पशु कल्याण बोर्ड, गांधीनगर, मद्रास-20
- (5) श्री जी. आर. राजगोपाल, श्री-35 सर्वोच्च एन्कलेव, समीप अरथिन्द्र आश्रम, नई दिल्ली-17
- (6) श्री जे. एन. मानकर, अवैतनिक सचिव, बाबू हस्तमैन-टीर्यन लीग, कला-भवन, फस्ट फ्लॉर, मैदान रोड, बम्बई-4
- (7) हा. एच. आर. भाला, निवेशक, चिकित्सा शिक्षा तथा अनुसंधान, महाराष्ट्र सरकार, बम्बई ।
- (8) प्रोफेसर एस. आर. वास गुप्ता, औषध विज्ञान विभाग, हा. विधान चन्द्र राय, पोस्ट ब्रेज़ेस्ट इंस्टीचूट आफ बैंसिक मैडिकल साइंसेज, 244 वी, आचार्य जगदीश चन्द्र वास रोड, कलकत्ता-20

सरकारी सदस्य

- (9) निदेशक, कन्निया अनुसंधान संस्थान, कम्पैली ।
- (10) निदेशक, हफीकन संस्थान, बम्बई ।
- (11) महा निवेशक, कन्निया औषध अनुसंधान संस्थान, लखनऊ ।
- (12) निवेशक, भारतीय पशु चिकित्सा संस्थान, इज्जत नगर ।
- (13) महा निवेशक, स्वास्थ्य सेवा, नई दिल्ली ।
- (14) निवेशक, अखिल भारतीय चिकित्सा विज्ञान संस्थान, नई दिल्ली ।
- (15) निवेशक, पोस्ट ब्रेज़ेस्ट इंस्टीचूट आफ मैडिकल एण्ड रिसर्च, बण्डीगढ़ ।
- (16) निवेशक, आयुर्वेचिक-अध्ययन तथा अनुसंधान संस्थान, जामनगर,

2. उपरोक्त अधिनियम के खण्ड 15 के उप-अनुभाग (2) के अनुसरण में कन्निया सरकार एसड़िवारा श्री पी. बी. राजू को उपरोक्त समीक्षा के अध्यक्ष के रूप में नामजद करती है ।

[संख्या 34-2/72-ए. वि.]

वी. पी. गुलाटी, उप सचिव

MINISTRY OF AGRICULTURE
(Department of Agriculture)

New Delhi, the 19th January, 1973

S.O. 366.—In pursuance of sub-section (1) of section 15 of the prevention of Cruelty to Animals Act 1960 (59 of 1960) and in supersession of the notification of the Government of India in the late Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture's) No. S.O. 1023, dated the 11th/13th of March, 1968, the Central Government, on the advice of the Animal Welfare Board, hereby reconstitutes the Committee for the purpose of Controlling and Supervising Experiments on Animals consisting of the following persons as members, namely :

Non-official members

1. Shri P. V. G. Raju, Member of Parliament (Lok Sabha) New Delhi.
2. Member of Parliament from Lok Sabha (Vacant)
3. Member of Parliament from Rajya Sabha (—do—)
4. Shrimati Rukmini Devi Arundale, Chairman, Animal Welfare Board, Gandhi Nagar, Madras-20.
5. Shri G. R. Rajagopaul, B-35, Sarvoday Enclave, near Arbindo Ashram, New Delhi-17.
6. Shri J. N. Mankar, Hon. Secretary, Bombay Humanitarian League, Kala Bhavan, First Floor, 3 Mathew Road, Bombay-4.
7. Dr. H. R. Jhalla, Director of Medical Education and Research, Govt. of Maharashtra, Bombay, and ;
8. Professor S. R. Dasgupta, Department of Pharmacology, Dr. Bidhan Chandra Roy Post Graduate Institute of Basic Medical Sciences, 244-B Acharya Jagdish Chandra Bose Road, Calcutta-20.

Official Members

9. Director, Central Research Institute, Kasauli.
10. Director, Haffkin Institute, Bombay.
11. Director, Indian Veterinary Research Institute, Ijatnagar.
12. Director General of Health Services, New Delhi.
13. Director, Central Drug Research Instt., Lucknow.
14. Director, All India Institute of Medical Sciences, New Delhi.
15. Director, Post graduate Institute of Medical Education and Research, Chandigarh, and
16. Director, Institute of Ayurvedic Studies and Research, Jamnagar.

2. In pursuance of sub-section (2) of section 15 of the said Act the Central Government hereby nominates Shri P. V. G. Raju as Chairman of the said Committee.

[No. 34-2/72-L.D. I]

V. P. GULATI, Dy. Secy.

शिक्षा और समाज कल्याण मंत्रालय
(राष्ट्रीय अध्यापक कल्याण प्रतिष्ठान)

नई चिल्ली, दिसम्बर, 1972

पूर्ति अक्षयीनिधि अधिनियम, 1890 के विषय में
तथा

राष्ट्रीय अध्यापक कल्याण प्रतिष्ठान के मामले में ।

का. आ. 367.—भारत सरकार के शिक्षा मंत्रालय के अधिसूचना संख्या एस. आ. 1955 दिनांक 25 जून, 1962 की अनुसूची 'ख' के पंचांग 3 के उपर्योगों के अनुसार में जैसे कि भारत सरकार के शिक्षा मंत्रालय की अधिसूचना संख्या एस. आ. 1485 दिनांक 29 अप्रैल 1967 द्वारा संशोधित किया गया है, तथा समय समय पर संशोधित भारत सरकार के शिक्षा मंत्रालय की अधिसूचना संख्या एस. आ. 4362 दिनांक 17-10-1969

के अधिकण म[ं] राष्ट्रीय अध्यापक कल्याण संस्थान की महासमिति के अध्यक्ष तथा सदस्यों की निम्नलिखित नियुक्तियां एतद्वारा प्रत्येक के सामने दी गई सारीख से अधिसूचित की जाती हैं :—

अध्यक्ष

(1) श्री नुरल हसन,
शिक्षा और समाज कल्याण मंत्री,
भारत सरकार (पद्धन) (1-4-1972 से)

उपाध्यक्ष

(2) श्री इन्द्र देव नारायण साही,
सचिव,
शिक्षा और समाज कल्याण मंशालय,
(पद्धन) नई दिल्ली (17-7-1972 से)

सचिव

(3) श्री वाई. मेमासिंह,
शिक्षा मंत्री,
मणिपुर सरकार,
झमफाल (1-4-1972 से)

(4) श्री डी. डी. पूर्ण,
शिक्षा मंत्री,
मध्यालय सरकार,
शिलांग (8-4-1972 से)

(5) श्री मदन मोहन मंगलवास,
अध्यक्ष,
भारतीय वाणिज्य उद्योग मंडल महासंघ,
मंगल बाग, एलिस बिज, अहमदाबाद (1-4-1972 से)

[सं. एक. 8-66/72 एस-4]

त. रा. जयरामन

MINISTRY OF EDUCATION AND SOCIAL WELFARE (National Foundation for Teachers Welfare)

New Delhi, the December, 1972

In the matter of Charitable Endowments Act, 1890
and

In the matter of National Foundation for Teachers' Welfare, New Delhi.

S.O. 367.—In accordance with the provisions of paragraph 3 of Schedules 'B' to the Notification of the Govt. of India, in the Ministry of Education No. S.O. 1955 dated the 25th June, 1962 as amended by the Notification of the Govt. of India, in the Ministry of Education No. S.O. 1485 dated the 29th April, 1967 and in supersession of the Notification of the Govt. of India in the Ministry of Education No. S.O. 4362 dated 17-10-1969 and dated 20th July, 1971, as amended from time to time the following appointments of the chairman and members of the General Committee of the National Foundation for Teachers' Welfare with effect from the date noted against each, are hereby Notified.

Chairman

1. Shri S. Nurul Hassan,
Minister of Education and Social Welfare,
Government of India (ex-officio) (w.e.f. 1-4-1972)

Vice-Chairman

2. Shri Indra Deva Narain Saht,
Secretary,
Ministry of Education and Social Welfare,
(ex-officio) New Delhi. (w.e.f. 17-7-1972).

Members

3. Shri Y. Maima Singh,
Education Minister,
Government of Manipur,
Imphal, (w.e.f. 1-4-1972).

4. Shri D. D. Pugh,
Education Minister,
Government of Meghalaya,
Shillong, (w.e.f. 8-4-1972)

5. Shri Madanmohan Mangaldas,
President,
Federation of Indian Chambers of Commerce
and Industry,
Mangal Bag,
Ellis Bridge,
Ahmedabad-6. (w.e.f. 1-4-1972)

[No. F. 8-66/72-NS. 4]

T. R. JAYARAMAN

नौवहन और परिवहन मंत्रालय (परिवहन पक्ष)

नई दिल्ली, 19 जनवरी, 1973

(व्यापार नौवहन)

का० घा० 368.—व्यापार नौवहन प्रधिनियम 1958 (1958 का 44) की घारा 283 के खण्ड (क) के उपबन्धों के अनुसरण में तथा इस विषय में पूर्व समस्त घोषणाओं का अविक्षण करते हुए, केन्द्रीय सरकार एतद्वारा घोषणा करती है कि नीचे दी गई सारीकी के स्तम्भ (1) में विनियिष्ट देशों ने प्रत्येक देश के सामने स्तम्भ (2) में लिखी तारीखों से भार रेखा पर अन्तर्राष्ट्रीय संगमन, 1966 को स्वीकार अपवाह जैसी स्थिति हो, मान लिया है।

सारणी

उन देशों के नाम जिन्होंने भार रेखा पर प्रत्यक्षीय संगमन, 1966 को स्वीकार करने/मानने की तारीख

मान लिया है

(1)	(2)
1. पनामा	13 मई, 1966
2. सोवियत समाजशासी गणतंत्र दंश	4 जुलाई, 1966
3. द्यूनियिया	23 अगस्त, 1966
4. द्रिनिडाड तथा टोबेरो	24 अगस्त, 1966
5. संघ राज्य अमरीका	17 नवम्बर, 1966
6. फ्रांस	30 नवम्बर, 1966
7. दक्षिण अफ्रीका	14 विसम्बर, 1966
8. भासाजसी गणतंत्र	16 जनवरी, 1967
9. पेरु	18 जनवरी, 1967
10. सोमालिया	30 मार्च, 1967
11. लाइबीरिया	8 मई, 1967
12. डेनमार्क	28 जून, 1967
13. इसराइल	5 जुलाई, 1967
14. यू०के०	11 जुलाई, 1967
15. नीदरलैण्ड सुरीनाम तथा नीदरलैण्डस्-एण्टीलेस	21 जुलाई, 1967
16. स्वीडन	28 जुलाई, 1967

(1)

(2)

MINISTRY OF SHIPPING AND TRANSPORT
(Transport Wing)

17. मौरीटानिया	.	4 दिसम्बर, 1967
18. मोरोक्को	.	19 जनवरी, 1968
19. मालीव	.	29 जनवरी, 1968
20. नीजे	.	18 मार्च, 1968
21. इटली	.	19 अप्रैल, 1968
22. भारत	.	19 अप्रैल, 1968
23. स्विटजरलैण्ड	.	23 अप्रैल, 1968
24. जापान	.	15 मई, 1968
25. फिलिप्प	.	15 मई, 1968
26. कांगो जनवादी गणराज्य	.	20 मई, 1968
27. ग्रीक	.	12 जून, 1968
28. अधितनाम गणराज्य	.	14 जून, 1968
29. स्पेन	.	1 जुलाई, 1968
30. चीन गणराज्य	.	24 जुलाई, 1968
31. अस्ट्रेलिया	.	29 जुलाई, 1968
32. टर्की	.	5 अगस्त, 1968
33. अमेरिका	.	28 अगस्त, 1968
34. कुवैत	.	28 अगस्त, 1968
35. घाना	.	25 सितम्बर, 1968
36. मुगास्तानिया	.	25 अक्टूबर, 1968
37. नौशीरिया	.	14 नवम्बर, 1968
38. पाकिस्तान	.	5 दिसम्बर, 1968
39. संयुक्त अरब गणराज्य	.	6 दिसम्बर, 1968
40. बलगारिया	.	30 दिसम्बर, 1968
41. बेल्जियम	.	22 जनवरी, 1969
42. क्यूबा	.	6 फरवरी, 1969
43. फिलीपाइन्स	.	4 मार्च, 1969
44. संघ राज्य जर्मनी	.	9 अप्रैल, 1969
45. साइप्रस	.	5 मई, 1969
46. दक्षिणी येमेन	.	20 मई, 1969
47. पोलैण्ड	.	28 मई, 1969
48. चेकोस्लोवकिया	.	16 जून, 1969
49. कोस्टिया गणराज्य	.	10 जुलाई, 1969
50. आजील	.	12 सितम्बर, 1969
51. पुर्तगाल	.	22 दिसम्बर, 1969
52. कनाडा	.	14 जनवरी, 1970
53. न्यूजीलैण्ड	.	5 फरवरी, 1970
54. मोनिको	.	25 मार्च, 1970
55. मैक्सिको	.	25 मार्च, 1970
56. आइसलैण्ड	.	24 जून, 1970
57. लेबनान	.	7 जुलाई, 1970
58. जामिया	.	2 सितम्बर, 1970
59. मलयशिया	.	12 जनवरी, 1971
60. अर्जेन्टिना	.	3 जून, 1971
61. रोमानिया	.	3 जून, 1971
62. आइरी कोस्ट	.	19 जुलाई, 1971
63. सिगापोर	.	21 सितम्बर, 1971
64. आस्ट्रिया	.	4 अगस्त, 1972
65. फिजी	.	29 नवम्बर, 1972

New Delhi, the 19th January, 1973.

(Merchant Shipping)

S.O. 368.—In pursuance of the provisions of clause (a) of section 283 of the Merchant Shipping Act, 1958 (44 of 1958) and in supersession of all previous declarations on the subject the Central Government hereby declares that the countries specified, in column (1) of the Table set out below have accepted or, as the case may be, acceded to the International Convention of Load Lines, 1966 with effect from dates indicated against each country in column (2).

TABLE

Name of the country which has accepted/acceded to the International Convention on Load Lines, 1966

1	2
1. Panama	13 May, 1966
2. Union of Soviet Socialist Republic	4 July, 1966
3. Tunisia	23 August, 1966
4. Trinidad and Tobago	24 August, 1966
5. United States of America	17 November, 1966
6. France	30 November, 1966
7. South Africa	14 December, 1966
8. Malagasy Republic	16 January, 1967
9. Peru	18 January, 1967
10. Somalia	30 March, 1967
11. Liberia	8 May, 1967
12. Denmark	28 June, 1967
13. Israel	5 July, 1967
14. United Kingdom	11 July, 1967
15. Netherlands, Surinam and Netherlands Antilles	21 July, 1967
16. Sweden	28 July, 1967
17. Mauritania	4 December, 1967
18. Morocco	19 January, 1968
19. Maldives	29 January, 1968
20. Norway	19 March, 1968
21. Italy	19 April, 1968
22. India	19 April, 1968
23. Switzerland	23 April, 1968
24. Japan	15 May, 1968
25. Finland	15 May, 1968
26. Congo Democratic Republic of	20 May, 1968
27. Greece	12 June, 1968
28. Vietnam Republic of	14 June, 1968
29. Spain	1 July, 1968
30. China Republic of	24 July, 1968
31. Australia	29 July, 1968
32. Turkey	5 August, 1968
33. Ireland	28 August, 1968
34. Kuwait	28 August, 1968
35. Ghana	25 September, 1968
36. Yugoslavia	25 October, 1968
37. Nigeria	14 November, 1968
38. Pakistan	5 December, 1968
39. United Arab Republic	6 December, 1968
40. Bulgaria	30 December, 1968
41. Belgium	22 January, 1969
42. Cuba	6 February, 1969
43. Philippines	4 March, 1969
44. Federal Republic of Germany	9 April, 1969
45. Cyprus	5 May, 1969
46. Southern Yemen	20 May, 1969
47. Poland	28 May, 1969
48. Czechoslovakia	16 June, 1969
49. Korea Republic of	10 July, 1969
50. Brazil	12 September, 1969
51. Portugal	22 December, 1969
52. Canada	14 January, 1970
53. New Zealand	5 February, 1970
54. Monaco	25 March, 1970
55. Mexico	25 March, 1970
56. Iceland	24 June, 1970
57. Lebanon	7 July, 1970
58. Zambia	2 September, 1970

1	2
59. Malaysia	12 January, 1971
60. Argentina	3 June, 1971
61. Romania	3 June, 1971
62. Ivory Coast	19 July, 1971
63. Singapore	21 September, 1971
64. Austria	4 August, 1972
65. Fiji	29 November, 1972

[File No. 42-MA(6)/70]

नई दिल्ली, 25 जनवरी, 1972

(व्यापारी बड़ा)

का. आ. 369.—व्यापारी बड़ा अधिनियम, 1958 (1958 का 44) की धारा 23 और 24 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वाया, मारम्बगाओं पत्तन को उक्त अधिनियम के अधीन 1 मार्च, 1973 से रजिस्ट्री का पत्तन घोषित करती है और उसी तारीख से कार्यभारी अधिकारी, जल परिवहन विभाग, मारम्बगाओं को उक्त पत्तन में भारतीय जहाजों के सम्बन्ध में रजिस्ट्रर नियुक्त करती है।

[संख्या 68-एम. ए.(1)/70]

New Delhi, the 25th January, 1973

S.O. 369.—In exercise of the powers conferred by sections 23 and 24 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby declares the Port of Mormugao to be a Port of Registry with effect from 1st March, 1973 under the said Act and appoints the Officer-in-Charge, Mercantile Marine Department, Mormugao, to be the Registrar of Indian Ships with effect from the same date at that port.

[No. 68-MA(1)/70]

नई दिल्ली 29 जनवरी, 1973

का० आ० 370.—भारतीय व्यापारी बड़ा (नाविक रोजगार कार्यालय, बम्बई), नियम, 1954 के नियम 5 के अनुसरण में, केन्द्रीय सरकार एतद्वाया इस प्रधिसूचना के प्रकाशन की तारीख से दो वर्ष की अवधि के लिए बम्बई पत्तन में नाविक रोजगार बोर्ड (देशी व्यापार) स्थापित करती है और निम्नलिखित व्यक्तियों को उसके सदस्य नियुक्त करती है, अर्थात्:—

- उप महानिवेशक, नौवहन, नाविक रोजगार कार्यालय, बम्बई के कार्यभारी अधिकारी। अध्यक्ष
- निवेशक, नाविक रोजगार कार्यालय, बम्बई सदस्य सचिव
- श्री एन० एच० धनजीभाई] जहाज मालिकों के प्रति-
- श्री रमिक लाल एच० नरेचानिया] निधि सदस्य
- शा० शान्ति पटेल] नाविकों के प्रतिनिधि
- श्री विलास मंजरेकर] सदस्य

[संख्या: 15-एम०टी०(3)/72]

वी. वी. सुब्रह्मण्यम, उप सचिव

New Delhi the 29th, January, 1973

S.O. 370.—In pursuance of rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Bombay), Rules, 1954, the Central Government hereby establishes a Seamen's Employment Board (Home Trade) at the Port of Bombay for a period of two years with effect from the date of publication of this notification and appoints the following persons to be members thereof, namely:—

1. The Deputy Director General of Shipping, Incharge of Seamen's Employment Office, Bombay. Chairman.
2. The Director, Seamen's Employment Office, Bombay. Member-Secretary.
3. Shri N.H. Dhumjibhoy.
4. Shri Rasiklal H. Narachanaria.
5. Dr. Shanti Patel.
6. Shri Vilas Manjrekar.

Members representing shipowners.

Members representing seamen.

[File No.15-MT(3)/72]

V. V. SUBRAHMANYAM, Dy. Secy.

नई दिल्ली, 25 जनवरी, 1973

का. आ. 371.—राष्ट्रीय नौवहन बोर्ड, नियम 1960 के उपनियम (2) के साथ पीछे व्यापार नौवहन अधिनियम 1958 (1958 का 44) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वाया:—

- (1) बम्बई में नौवहन महा निवेशक, श्री एस. वी. भावे के 12-9-72 से श्री वाई. एस. कासबेकर के स्थान पर, राष्ट्रीय नौवहन बोर्ड का सदस्य नियुक्त करती है, और

भारत सरकार नौवहन और परिवहन मंशालय (परिवहन एक्ष) की अधिसूचना में सा. आ. 800 दिनांक 24-1-72 में निम्नलिखित और संशोधन करती है, अर्थात् :

- (1) कम संख्या 11 के सामने की प्रविष्टि में अक्षर "वाई. एस. कासबेकर" के लिए अक्षर "श्री एस. वी. भावे" प्रतिस्थापित किया जाये।

[35-एम०टी०(12)/72]

New Delhi, the 25th January, 1973

S.O. 371.—In exercise of the powers conferred by section 4 of the Merchant Shipping Act, 1958 (44 of 1958), read with sub-rule (2) of the National Shipping Board, Rules 1960, the Central Government hereby appoints:

- (1) Shri S. V. Bhave, Director General of Shipping, Bombay, as a member of the National Shipping Board, in place of Shri Y. S. Kasbekar with effect from 12-9-1972.

and makes the following further amendment in the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) in S.O. 600 dated the 24th January, 1972 namely:

- (1) in the entry against serial No. 11 for the words 'Y. S. Kasbekar', the words "Shri S. V. Bhave" shall be substituted.

[No. 35-MD(12)/72]

का. आ. 372.—नॉवेंहन विकास निधि समिति (सामान्य) नियम, 1960 के नियम 3 और 7 के साथ परिवर्त व्यापार नॉवेंहन अधिनियम, 1958 (1958 का 44) की धारा 15 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा वम्बई में नॉवेंहन महानिवेशक श्री एस. वी. भावे के श्री वाहू, एस. कासबेकर के स्थान पर, 12-9-1972 से नॉवेंहन विकास निधि समिति का सदस्य नियुक्त करती है और भारत सरकार के भूतपूर्व परिवहन और संचार मंत्रालय (परिवहन विभाग) की अधिसूचना संख्या सा. आ. 628 दिनांक 17-3-1959 में निम्नलिखित और संशोधन है, अर्थात् :—

उक्त अधिसूचना में, मद (7) तथा उससे सम्बन्धित प्रविष्टियों के लिए निम्नलिखित मद और प्रविष्टियाँ प्रतिस्थापित की जायेंगी, अर्थात् :—

“श्री एस. वी. भावे,
नॉवेंहन महानिवेशक”

[संख्या 35-एम.डी.(12)/72]

S.O. 372.—In exercise of the powers conferred by sub-section (1) of section 15 of the Merchant Shipping Act, 1958 (44 of 1958) read with rules 3 and 7 of the Shipping Development Fund Committee (General Rules 1960, the Central Government hereby appoints Shri S. V. Bhave, Director General of Shipping, Bombay as member of the Shipping Development Fund Committee with effect from 12-9-1972 vice Shri Y. S. Kasbekar and makes the following further amendments in the notification of the Government of India in the late Ministry of Transport and Communications (Dept. of Transport) No. S.O. 628 dated the 17th March, 1959 namely :—

In the said notification for the item (7) and the entries relating thereto, the following item and entries shall be substituted, namely:

“(7) Shri S. V. Bhave,
Director General of Shipping 12-9-1972”.

[35-MD(12)/72]

नई दिल्ली, 30 जनवरी, 1973

का. आ. 373.—राज्यीय नॉवेंहन बोर्ड नियम, 1960 के नियम 4 के उप नियम (2) के साथ परिवर्त व्यापार बंडा अधिनियम, 1958 (1958 का 44) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री एच. लाल के स्थान पर विवेश व्यापार मंत्रालय के सचिव, श्री वी. वी. लाल को नियुक्त करती है और भारत सरकार के नॉवेंहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना संख्या सा. आ. दिनांक 24 जनवरी, 1972 में और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में क्रम संख्या 7 के सामने की प्रविष्टि में “श्री एच. लाल” शब्दों के लिए “श्री वी. वी. लाल” शब्द प्रतिस्थापित किये जायेंगे।

[संख्या 37-एम.डी.(1)/72]

व. क. साही, अवार सचिव।

New Delhi, the 30th January, 1973

S.O. 373.—In exercise of the powers conferred by section 4 of the Merchant Shipping Act, 1958 (44 of 1958), read with sub-rule (2) of rule 4 of the National Shipping Board Rules, 1960, the Central Government appoints Shri B. B. Lal, Secretary, Ministry of Foreign Trade in place of Shri H. Lal and makes the following further amendment in the notification of the Government of India in the Ministry

of Shipping and Transport (Transport Wing) No. S.O. 600 dated the 24th January, 1972, namely:—

In the said notification in the entry against serial No. (7), for the words “Shri H. Lal”, the words “Shri B. B. Lal” shall be substituted.

[No. 37-MD(1)/72]

B. K. SAHI, Under Secy.

संचार मंत्रालय
(डाक-तार बोर्ड)

नई दिल्ली, 23 जनवरी, 1973

का. आ. 374.—भारतीय डाकघर अधिनियम, 1898 (1898 का 6) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय डाकघर नियम, 1933 में और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाती है, अर्थात् :—

(1) इन नियमों का नाम भारतीय डाकघर (पहला संशोधन) नियम, 1973 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. भारतीय डाकघर नियम, 1933 के नियम 30 के उपनियम (3) में “उस दशा में, जबकि नवीकरण के लिए आवेदन” से प्रारम्भ होने वाले और “ऐसी दशा में” एक नया रीजस्ट्रीकरण संख्यांक आवंटित किया जाएगा” से समाप्त होने वाले वाक्य के स्थान पर निम्नलिखित रखा जाएगा अर्थात् :—

“जहां नवीकरण के लिए आवेदन पूर्वतः रीजस्ट्रीकरण की समाप्ति की तारीख के पश्चात प्राप्त होता है, वहां दस रुपये की विलम्ब-कीस प्रभारित की जाएगी, और अन्य दशा में उस पर उसी प्रकार से कार्रवाई की जाएगी जिस प्रकार से पूर्वतः रीजस्ट्रीकरण के अन्तिम मास में प्राप्त नवीकरण के लिए आवेदन पर की जाती है।

[सं. 5/17/72-सी. आई.]

श्रीमती जी. ई. बनर्जी, निवेशक (डाक तकनीकी)।

MINISTRY OF COMMUNICATIONS

(Posts and Telegraphs Board)

New Delhi, the 23rd January, 1973

S.O. 374.—In exercise of the powers conferred by section 9 of the Indian Post Office Act, 1898 (6 of 1898) the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

(1) These rules may be called the Indian Post Office (First Amendment) Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In sub rule (3) of rule 30 of the Indian Post Office Rules, 1933, for the sentence beginning with “In case the application for renewal is received after the date of expiry” and ending with “allotted in such case”, the following shall be substituted, namely:—

“Where the application for renewal is received after the date of expiry of the previous registration, a late fee of Rs. 10/- shall be charged, and in other respect it shall be dealt with in the same manner as an application for renewal received in the last month of previous registration”.

[No. 5/17/72-CL]

MRS. G. E. BANERJI, Director (Postal Technical)

निमंग और आवास मन्त्रालय

नई दिल्ली, 30 दिसम्बर, 1972

का. आ. 375.—यतः दिल्ली विकास अधिनियम, 1957 (1957 के 61) की धारा 44 में अपीक्षा है, केन्द्रीय सरकार ने एतपाल्लय अनुसूची में उल्लिखित क्षेत्रों के बारे में दिल्ली की वृहत्त योजना तथा क्षेत्रीय विकास योजना (जॉन्स एफ-7) में कीपथ संशोधन के प्रस्ताव पर उक्त अधिनियम की धारा 11-क की उपधारा (3) के अनुसार आपत्तियां तथा सुझाव आपीक्षित करते हुए प्रस्तावित संशोधन को सूचना के रूप में (सं. एफ-16(55)/70 एम. पी. दिनांक 26-2-1972) प्रकाशित किया था।

और यतः उक्त अनुसूची में उल्लिखित क्षेत्र के सम्बन्ध में आपत्तियां पर विचार करने के बाद केन्द्रीय सरकार ने, अधिसूचना के राजपत्र में सूचने की तिथि से दिल्ली की वृहत्त योजना तथा क्षेत्र के जॉन्स विकास योजना में संशोधन करने का निर्णय किया है।

अब अतः उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रवस्त शक्तियां का प्रयोग करते हुए केन्द्रीय सरकार दिल्ली की वृहत्त योजना तथा उस क्षेत्र के क्षेत्रीय विकास योजना में एतपाल्लय निम्नलिखित संशोधन करती है नामसः:

“वृहत्त योजना/क्षेत्रीय योजना में भण्डागार, स्टोरेज, फिपो तथा खनिज दुलान के लिए उद्दिष्ट लगभग 4.46 हेक्टर (13.5 एकड़) भूमि जो उत्तर में 43.72 मीटर (150 फीट) चाँड़ी वृहत्त योजना सङ्क (स्थल औंचित्य के कारण नये रेखांकन के अनुसार), पूर्व में 45.72 मीटर (150 फीट) मथुरा रोड, दरीक्षण में आँखोंगिक क्षेत्र तथा पश्चिम में रेलवे लाइन से धिरा हुआ है, को आँखोंगिक प्रयोजन (हल्के किसम का निमंग) में परीक्षित किये जाने का प्रस्ताव है।”

अनुसूची

उत्तर में 45.72 मीटर (150 फीट) चाँड़ी वृहत्त योजना सङ्क, पूर्व में 45.72 मीटर (150 फीट) मथुरा रोड, दरीक्षण में आँखोंगिक क्षेत्र तथा पश्चिम में रेलवे लाइन से धिरा हुआ है 4.46 हेक्टर भूमि भाग।

[केस नं. 10-2(3)/69-यू. डी. आई-भाग 2]

MINISTRY OF WORKS & HOUSING

New Delhi, the 30th December, 1972

S.O. 375.—Whereas certain modification which the Central Government proposed to make in the Master Plan for Delhi and Zonal Development Plan (Zone F. 7) as regards the areas mentioned in the Schedule hereto annexed were published as notice (No. F-16(55)/70-MP dated the 26th February, 1972) in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections and suggestions; as required by sub-section (3) of section 11-A of the said Act.

AND WHEREAS the Central Government after considering the objections with regard to the area mentioned in the aforesaid Schedule, has decided to modify the Master Plan for Delhi and Zonal Development Plan of the area; from the date of publication of the notification in the Gazette;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 11-A of the said Act, the Central Government, hereby makes the following modifications in the said Master Plan for Delhi and Zonal Development Plan of the area, namely:

“An area measuring about 4.46 hect. (13.5 acres) earmarked in the Master Plan/Zonal Plan as commercial for warehousing, storage, depots and mineral siding, surrounded by 45.72 mtrs. (150 ft.) wide Master Plan Road in the north (as per new alignment due to the site feasibility), Mathura Road 45.72 mtrs. (150 ft.) in the East, industrial area in the south and the Railway Line in the west is pro-

posed to be changed to Industrial use (Light Manufacturing).”

THE SCHEDULE

4.46 hectares of land surrounded by 45.72 mts. (150 ft.) wide Master Plan Road in the north, Mathura Road 45.72 mtrs. (150 ft.) in the East, industrial area in the south and Railway Line in the west.

[Case No. 10-2(3)/69-UDI-Part II]

नई दिल्ली, 12 जनवरी, 1973

का. आ. 376.—केन्द्रीय सरकार एतपाल्लय दिल्ली नगर निगम के पार्षद इश्वर वास महाजन का दिल्ली विकास प्राधिकरण की सदस्यता से त्यागपत्र तत्काल स्वीकार करती है।

[फा. सं. के-11011/21/72-यू. डी. 1]

एस. एस. पी. राव, अवर सचिव

New Delhi, the 12th January, 1973

S. O. 376.—The Central Government hereby accepts the resignation of Shri Ishwar Dass Mahajan, Councillor, Municipal Corporation of Delhi, from the membership of the Delhi Development Authority, with immediate effect.

[F. No. K. 11011/21/72-UDI]

S. S. P. RAU, Under Secy.

सूचना और प्रसारण मन्त्रालय

नई दिल्ली, 25 जनवरी, 1973

का. आ. 377.—चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 8 की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार एतपाल्लय यह निवेश देती है कि “दि लिबरेशन आफ एल. बी. जॉन्स” (अंग्रेजी) नामक फिल्म, जिस के बारे में केन्द्रीय फिल्म संस्कर बोर्ड द्वारा प्रमाण-पत्र संख्या 62485-यू तारीख 6-2-71 दिया गया था, को इस अधिसूचना के जारी होने की सारिखि से एसी फिल्म समझा जायेगा जिसके लिए समूचे भारत में प्रकर्तनार्थ केवल वयस्कों के लिए निर्बन्धित प्रमाण पत्र दिया जाता है।

[फा. सं. 9/15/71-एफ सी]

हर्सीत सिंह, अवर सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 25th January, 1973

S.O. 377.—In exercise of the powers conferred by clause (b) of Sub-section (2) of Section 6 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby directs that the film entitled “The Liberation of L. B. Jones” (English) in respect of which Certificate No. 62485-U dated 6-2-71 was granted by Central Board of Film Censors shall be deemed to be a film for which certificate restricted to audience of Adults only has been granted for exhibition in the whole of India with effect from the date of issue of this Notification.

[F. No. 9/15/71-FC]

HARJIT SINGH, Under Secy.

श्रम और पुनर्वासि मंत्रालय
(श्रम और रोजगार विभाग)

नई दिल्ली, 2 नवम्बर, 1972

आधेश

का. आ. 378.—यतः केन्द्रीय सरकार की राय है कि इससे उपाधिक अनुसूची में विनिर्दिष्ट विषयों के बारे में पंजाब नेशनल बैंक से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँखोंगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निवृत्ति करना चांगनीय समझती है,

अतः, अब, आँखोंगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक आँखोंगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री उपदेश नारायण माधुर होंगे, जिनका मुख्यालय जयपुर होंगा और उक्त विवाद को उक्त अधिकरण का न्यायनिर्णयन के लिए निवृत्ति करती है।

अनुसूची

“क्या पंजाब नेशनल बैंक, सेन्ट्रल सर्किल, इन्डॉर के प्रबन्धतंत्र की, श्री श्यामलाल हृषीकेश प्रेजेन्टर (अब विल संग्राहक एवं नकद चयरासी के रूप में पदाधिकारी) शाखा कार्यालय जयपुर को रोकड़िया के पास पर स्थानापन्न रूप में काम करने के अधिकारों से विचित्र करने की कार्रवाई न्यायोंचित है? यदि नहीं, तो वह किस अनुत्तरों का हक्कार है?”

[सं. एल. 12012/44/72-एल आर 3]

MINISTRY OF LABOUR AND REHABILITATION
(Department of Labour and Employment)

New Delhi, the 2nd November, 1972

ORDER

S.O. 378.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Updesh Narain Mathur shall be the presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Punjab National Bank, Central Circle, Indore in denying officiating chances in the post of Cashier to Shri Shyamal, Hundi Presenter (now designated as Bill Collector-cum-Cash-Peon), Branch Office, Jaipur is justified? If not, to what relief is he entitled?”

[No. L. 12012/44/72/LRIII]

नई दिल्ली, 8 दिसम्बर, 1972

आधेश

का. आ. 379.—यतः केन्द्रीय सरकार की राय है कि इससे उपाधिक अनुसूची में विनिर्दिष्ट विषयों के बारे में पंजाब नेशनल बैंक से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँखोंगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निवृत्ति करना चांगनीय समझती है;

अतः प्रब्र, आँखोंगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-वां के अधीन गठित केन्द्रीय सरकार आँखोंगिक अधिकरण कलकाता को न्यायनिर्णयन के लिए निवृत्ति करती है।

अनुसूची 1

“क्या कोलियरी मजदूर सभा, जी० टी० रोड, डाकघर प्रामनसोल, जिला बर्द्धवान की मह मांग, कि अनुसूची-2 में उल्लिखित कर्मकार इस्ट मिचा कोलियरी, डाकघर जैके नगर, जिला बर्द्धवान के प्रबन्धतंत्र द्वारा सेवा में वापस लिये जाने और 26 दिसम्बर 1971 से पूरे मजदूरी के भुगतान किए जाने के हकदार हैं न्यायोचित है? यदि हाँ तो कर्मकार किस ग्रन्तीय के द्वारा किस तारीख से हकदार हैं?

अनुसूची 2

1. मुरेन्द्र सर्मा	.	.	लैम्प कमरा प्रभारी
2. रामेस्वर मर्मा	।	.	मुंशी
3. वारीसन-रामवारीसन चौधरी	.	.	बैक्समैन
4. मोहन चौधरी	.	.	ट्रैम्पर
5. वालेश्वर मर्मा	.	.	टिम्बर मिस्ट्री
6. रामराज चौधरी	.	.	लोडर
7. रामसुहान मिस्ट्री	.	.	पस्प खलासी
8. सादिक मिश्री	.	.	लोडर
9. अनन्त पांडे	.	.	मुंशी
10. जोगेन्द्र मिह	.	.	बैक्समैन
11. किणनदेव मिश्र	.	.	पस्प खलासी
12. पर्मा चौधरी	.	.	ट्रैम्पर
13. जंग बहादुर चौधरी	.	.	ट्रैम्पर
14. राम प्रकाश	.	.	बैक्समैन
15. संकर चौधरी	.	.	ट्रैम्पर
16. चन्द्रिका चौधरी	.	.	ट्रैम्पर
17. रामकिशन हरीजन	.	.	लोडर
18. श्री रामचौधरी	.	.	एस० ट्रैम्पर
19. रामचन्द्र चौधरी	.	.	एस० खलासी
20. जयगोविन्द चौधरी	.	.	बैक्समैन

[संख्या एल/19 012/77/72-एल० आर० 2]

New Delhi, the 6th December, 1972

ORDER

S.O. 379.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of East Nimcha Colliery, Post Office Jaykaynagar, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE I

Whether the demand of Colliery Mazdoor Sabha, G.T. Road, Post Office Asansol, District Burdwan that the workmen mentioned in Schedule-II are entitled to be taken back in service, by the management of East Nimcha Colliery, Post Office Jaykaynagar, District Burdwan and paid full wages with effect from the 26th December, 1971 is justified? If so, to what relief are the workmen entitled to and from what date?

SCHEDULE II

1. Surendra Sarma	Lamp Room Incharge
2. Rameswar Sarma	Munshi
3. Barisan—Rambarisan Chowdhury	Banksman
4. Mohon Chowdhury	Trammer
5. Baleswar Sarma	Timber Mistry
6. Ramraj Chowdhury	Loader
7. Ramsuhahan Misra	Pump Khalasi
8. Sadiq Mia	Loader
9. Anant Pandey	Munshi
10. Jogendar Singh	Banksman
11. Kishandeo Sarma	Pump Khalasi
12. Parma Chowdhury	Trammer
13. Jangbahadur Chowdhury	Trammer
14. Ram Prakash	Banksman
15. Sankai Chowdhury	Trammer
16. Chandrika Chowdhury	Trammer
17. Ramkishan Harijan	Loader
18. Sri Ram Chowdhury	S. Trammer
19. Ramchandra Chowdhury	H. Khalashi
20. Jaigobind Chowdhury	Banksman
(No. L/19012/77/72-LRII.)	

नई दिल्ली, 19 दिसम्बर, 1972

आवेदा

का. आ. 380.—यतः केन्द्रीय सरकार की राय है कि इससे मुख्यालय अनुसूची में विनिर्दित विषयों के बारे में भारत सरकार मुख्यालय कलकत्ता से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँद्योगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद के न्यायनिर्णय के लिए निर्दीशत करना बांछनीय समझती है;

अतः अब, आँद्योगिक विवाद अधीनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदृष्ट शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद के उक्त अधीनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आँद्योगिक अधिकरण, कलकत्ता के न्यायनिर्णय के लिए निर्दीशत करती है।

अनुसूची

यह, इस विषय पर मुख्य नियंत्रक, मुद्रण और लेखन-सामग्री के संसंगत आवेशों के ध्यान में, खत्ते हुए, सर्व श्री हरे कृष्ण पुरके, नारायण घन्द्र दत्त, सुजीत सेन गुप्ता, निरंजन दे और सुब्रांध नन्दी, रिपोर्ट लिपिक की, उनके स्थापन की अनौद्योगिक शाखा में स्थानान्तरित करने और उनके निम्न-श्रेणी लिपिक के रूप में पुनः पदाधिकारिता करने और उक्त श्रेणी लिपि के रूप में प्रान्तिक के लिए उन पर विचार करने की मांग न्यायान्वित है? यदि ऐसा है, तो वे किस अनुतोष के यदि कोई हो और किस तारीख से हकदार हैं?

[सं. एल. 16012/2/72/एल. आ. 3]

New Delhi, the 19th December, 1972

ORDER

S.O. 380.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Government of India Press Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether, keeping in view the relevant orders of the Chief Controller of Printing and Stationery on the subject, the demands of Sarvashri Hare Krishan Purkait, Narayan Chandra Dutta, Sujit Sengupta, Niranjan Dey and Subodh Nandy, report writers, for transferring them to the non-industrial side of the Establishment and to re-designate them as Lower Division Clerks and to consider them for promotion as Upper Division Clerks is justified? If so, to what relief, if any and from what date, are they entitled?

[No. L. 16012/2/72/LRIII]

नई दिल्ली, 29 दिसम्बर, 1972

आवेदा

का. आ. 381.—यतः सेन्ट्रल बैंक आफ इण्डिया से सम्बद्ध नियोजकों और उनके कर्मकारों ने, जिनका प्रति-निर्दित सेन्ट्रल बैंक कर्मचारी संघ, दिल्ली करता है, संयुक्त रूप से केन्द्रीय सरकार के यह आवेदन किया है कि उक्त आवेदन में उपवर्णित और इससे ज्याबद्ध अनुसूची में उपवर्णित विषयों के बारे में आँद्योगिक विवाद करें, जो उनके बीच विद्यमान हैं, एक आँद्योगिक अधिकरण को निर्दीशित किया जाए;

और यतः केन्द्रीय सरकार का समाधान हो गया है कि उक्त सेन्ट्रल बैंक कर्मचारी संघ, दिल्ली, कर्मकारों की बहुसंख्या का प्रतिनिधित्व करता है;

अतः अब, आँद्योगिक विवाद अधीनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (2) द्वारा प्रदृष्ट शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद के उक्त अधीनियम की धारा 7-क के अधीन गठित आँद्योगिक अधिकरण, दिल्ली के न्यायनिर्णय के लिए निर्दीशित करती है।

अनुसूची

(1) सेन्ट्रल बैंक आफ इण्डिया की जनपथ शाखा में श्री कामता प्रसाद पाण्डे, दक्षतरी दवारा किए गए कर्तव्यों को ध्यान में रखते हुए

क्या वह किसी आर्थिक फायदे का हकदार है, और यदि हाँ तो ऐसे आर्थिक अनुतोष की क्या मात्रा होनी चाहिए ?

(2) उपर्युक्त कर्मकार इवारा किए गए कर्तव्यों को ध्यान में रखते हुए, क्या वह अभिलेखपाल के रूप में मांगे जाने का हकदार है और यदि हाँ तो, किस तारीख से ?

[सं. एल. 12012/154/72/एल. आर. 3]

New Delhi, the 29th December, 1972

ORDER

S.O. 381.—Whereas the employers in relation to the Central Bank of India and their workmen represented by Central Bank Employees Union, Delhi have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the said Central Bank Employees Union, Delhi represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether having regard to the duties performed by Shri Kamta Prasad Pandey Daftri at Janpath branch of the Central Bank of India, he is entitled to any monetary benefits and if so what should be the quantum of such monetary relief?
- (ii) whether having regard to the duties performed by the above workman he is entitled to be treated as a Record-keeper and if so from what date?

[No. L. 12012/154/72/LRIII]

आवेदन

का. आ. 382.—यतः सेन्ट्रल बैंक आफ इण्डिया से संबंधित नियोजकों उपके कर्मकारों ने, जिनका प्रतिनिधित्व बैंक कर्मचारी संघ, विलीन करता है, संचयक रूप से केन्द्रीय सरकार को यह आवेदन किया है कि उक्त आवेदन में उपर्युक्त और इससे उत्पन्न अनुसूची में लक्ष्यत विषयों के बारे में आँदोर्रांगिक विवाद की, जो उनके बीच विव्याहित है, एक आँदोर्रांगिक को निर्देशित किया जाए ;

और यतः केन्द्रीय सरकार का समाधान हो गया है कि उक्त सेन्ट्रल बैंक कर्मचारी संघ, विलीन, कर्मकारों की अहसंख्या का प्रतिनिधित्व करता है ;

अतः, अब, आँदोर्रांगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उधारा (2) इवारा प्रकृत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतेज्ज्ञाना उक्त विवाद की उक्त अधिनियम की धारा 7-क के अधीन गठित आँदोर्रांगिक अधिकरण, विलीन के न्यायिनियन के लिए निर्देशित करती है ।

अनुसूची

(1) सेन्ट्रल बैंक आफ इण्डिया की दस्ता गजं शास्त्रा में श्री रोशन लाल शर्मा दफतरी इवारा किए गए कर्तव्यों को ध्यान में रखते हुए क्या वह किसी धन संबंधि फायदे का हकदार है, और यदि हाँ तो ऐसे धन संबंधि अनुतोष की मात्रा क्या होनी चाहिए ?

(2) उपर्युक्त कर्मकार इवारा किए गए कर्तव्यों को ध्यान में रखते हुए, क्या वह अभिलेखपाल के रूप में मांगे जाने का हकदार है और यदि हाँ तो, किस तारीख से ?

[फा. सं. एल. 12012/153/72/एल. आर. 3]

कर्नल सिंह, अवर सचिव

ORDER

S.O. 382.—Whereas the employers in relation to the Central Bank of India and their workmen represented by Central Bank Employees Union, Delhi have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the said Central Bank Employees Union, Delhi represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by Sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether having regard to the duties performed by Shri Roshan Lal Sharma Daftri at Darya Ganj Branch of the Central Bank of India, he is entitled to any monetary benefits and if so what should be the quantum of such monetary relief?
- (ii) Whether having regard to the duties performed by the above workman he is entitled to be treated as a Record-keeper and if so from what date ?

[No. L. 12012/155/72/LRIII]

KARNAIL SINGH, Under Secy.

New Delhi, the 30th January, 1973

S.O. 383.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33A of the said Act filed by Shri Jaswant Singh, Driver, T. No. 954-F which was received by the Central Government on 22nd January, 1973.

[No. L. 42012/1/73/LRIII]

KARNAIL SINGH, Under Secy.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS) CANTAB BAR-AT-LAW, PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL, CHANDIGARH

1. **Complainant No. 2/25 of 1972.**—Under section 33-A of the Industrial Disputes Act, 1947.

Shri Jaswant Singh, driver, T. No. 954-F, C/o B. S. L. Workers Union, Sundernagar (H.P.)

Complainant.

Vs.

Executive Engineer, B. S. L. Workshop Division, No. 2, Sundernagar T/ship, District Mandi (H.P.) Respondent.

2. **Application No. 2/37 of 1972.**—Executive Engineer, B. S. L. Workshop Division No. 2, Sundernagar

Applicant.

Vs.

Shri Jaswant Singh, Driver, T. No. 854-F.. Respondent.

Appearances:

Shri Mohinder Singh—for Shri Jaswant Singh.

Shri Rattan Lal—for respondent/applicant.

AWARD

This award will dispose of complaint No. 2/25 of 1972 filed by Shri Jaswant Singh, driver, dated 23rd July, 1972 under section 33-A of the Industrial Disputes Act, 1947 and application No. 2/37 of 1972 filed under section 33(2) of the Act, by the Executive Engineer B. S. L. Workshop Division No. II, Sundernagar, for approval being given to the action taken by way of termination of services of Shri Jaswant Singh, driver, in as much as the authorised representatives of the parties had made statements on 5-10-1972 that since the points in dispute covered by the aforesaid complaint and application were the same and common

questions of fact and law were involved, both the cases be consolidated, and that the evidence that may be recorded in the complaint be read as evidence in application No. 2/37 of 1972, and it was ordered accordingly.

2. Shri Jaswant Singh has inter alia maintained in the complaint that his services had been first terminated on 24-8-1971, without obtaining prior approval of the Tribunal when reference No. 2/C of 1971 was pending before this Tribunal, and on his having filed a complaint, the respondent put in reply revoking the orders complained of and the Tribunal had ordered that keeping view the contents of reply put in by respondent, Shri Jaswant Singh, driver, was to be deemed to be in service of the respondent from the date when orders of termination of his services had been passed i.e. from 24-8-1971 and was also entitled to payment of wages due to him, and in that way the complaint had become infructuous, that it was disposed of as such, but the respondent had not taken him back in service or complied with the orders of the Tribunal, that he had been called as Reservist by the Officer Commanding Reservists, A.S.C. Centre (Worth), Meerut Cantt, vide his letter No. 6598625 (Res/Admn.) and he proceeded to participate in the training, leaving his address with the Superintending Engineer, B.S.L. Administration and Accounts Circle, Sundernagar as was evident from his representation dated 31-8-1971, and his home address had been given in his service book which was in the custody of the respondent.

that on his return from training as reservist, he had approached the S.D.O. Transport Sub Division, Division No. II, Sundernagar for allowing him to resume duty, but he did not allow him to do so, being aggrieved he had approached the President of the BSL Workers Union Sundernagar, who sent letter on 22-6-1972 requesting the respondent to comply with the award of the Tribunal,

that the respondent, instead of taking him back in service, on 24-6-1972 sent a letter to the President of their Union giving out that as Shri Jaswant Singh, complainant had left without permission and without giving his proper address, action had been taken as per certified standing orders, that the factual position was that the respondent had removed him from Government service with effect from 17-6-1972 and had not issued any direction to him to resume duty at his home address or otherwise, and that this action of the respondent was unlawful and unjustified having been taken without obtaining prior approval of the Tribunal when Reference No. 2/C of 1971 was pending, and that there had been contravention of the provisions of section 33A of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent to the complaint the following preliminary objections were taken, and on merits it was maintained that the services of Shri Jaswant Singh had not been terminated on 24-8-1971. It was, however not denied that the orders of termination of his services had been withdrawn vide letter dated 27-9-1971, thus implementing the directions given in the award of the Tribunal, and in compliance thereto they had sent a letter to the complainant at his home address, who had left his headquarters without permission, that the letter came back as undelivered, that the complainant after a lapse of 9 months i.e. 17-6-1972, reported for duty and he could not be awaited for an indefinite period, and that since he had left his headquarters without submitting an application/permission, the provisions of clause 14 of the certified Standing orders for factory staff were attracted,

that the complainant had not informed about his having received orders to join the training centre as reservists,

that the allegations of the complainant were without substance and frivolous, and that there had been no contravention of the provisions of section 33A of the Industrial Disputes Act, 1947.

Preliminary objections

That the complainant, Shri Jaswant Singh had filed the instant complaint for implementation of the award already given by the Tribunal, which is not maintainable, since the Industrial Disputes Act, 1947 does not empower the Tribunal initiate execution proceedings, that the complainant had not thus chosen the appropriate forum for getting his grievances redressed, and that the complaint was most frivolous, being without jurisdiction and not maintainable.

4. No rejoinder was put in by the complainant, and the following issues were framed:—

Preliminary issue

Whether this Tribunal is not competent to adjudicate upon the dispute forming subject matter of complaint for the reason as stated by the Executive Engineer that this Tribunal does not have power to initiate execution proceedings with the object of implementing the award already given by this Tribunal?

On merits

1. Whether there has been any contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947 as alleged by the complainant for the reason that the respondent is said to have inflicted punishment by removing complainant from service without obtaining approval of the Tribunal while reference No. 2/C of 1971 was pending?
2. Whether as prayed for by the applicant Executive Engineer approval be given to the action taken by him in removing Shri Jaswant Singh, driver from service during the pendency of reference No. 2/C of 1972?

All these issues can be conveniently dealt with together.

The parties were afforded with an opportunity to lead evidence and

Shri Jaswant Singh, complainant, appeared as a witness himself and so also examined Shri Mohinder Singh, his authorised representative and

the respondent examined Shri Rattan Lal, their authorised representative as a witness.

5. It is common ground between the parties that reference No. 2/C of 1971 was pending before this Tribunal since 4-3-1971, and that services of Shri Jaswant Singh had been terminated during the pendency of that reference, and on a complaint having been filed by Shri Jaswant Singh, the respondent put in a reply agreeing to withdraw the impugned orders and the Tribunal gave an award that keeping in view the reply filed by the respondent Shri Jaswant Singh was to be deemed to be in service of the respondent from the date of orders of termination of his services i.e. from 24-8-1971, and was also entitled to payment of wages due to him from the aforesaid date.

The respondent management, in the reply filed to the complaint, claimed that they had implemented the directions given in the award by this Tribunal fully by sending a letter at Shri Jaswant Singh's home address which came back undelivered and that since Shri Jaswant Singh had left his headquarters without permission of the concerned authority and he had reported for duty after a lapse of nearly nine months, he could not be awaited for an indefinite period.

The complainant has, on the other hand, alleged that no such letter was sent to him or received by him, even though his home address had been mentioned in his service book which was in possession of the respondent, and that he had also given his address in his representation addressed to the Superintending Engineer against the wrongful termination of his services as was to be found from copy of letter, C/1.

He also claims that he had shown orders of the Army authorities, attested copy of which is Ext. C/2, requiring him to report for training as reservist and that he had been asked to show the above stated letter to the Executive Engineer, who had ordered that he be treated as under suspension from the date he had reported for duty before him, and that on 6-9-1972 his services had been again terminated by the respondent Executive Engineer, without paying one month's wages as notice period wages, and without securing prior approval from this Tribunal, even though reference No. 2/C of 1971 was pending at that time.

He has also maintained that he had made a complaint to his union about his not being allowed to join duty after he reported for duty when he returned after obtaining training as a reservist.

The statement made by Shri Mohinder Singh lends support to this version that after Shri Jaswant Singh had been called as a reservist by the Army authorities as was evident from C/2, the respondent had chosen to take action against Shri Jaswant Singh on 26-6-1972 under the certified standing orders, on the alleged plea that Shri Jaswant Singh had left without giving his proper address.

6. The most important issue that has to be considered is whether as claimed by the respondent, they had in pursuance of the direction given in the award by this Tribunal, on the first complaint filed by Shri Jaswant Singh, any letter had been sent by the respondent to Shri Jaswant Singh asking him to report for duty. The respondent no doubt claims that he had sent a letter on 27-9-1971 which had been received back as undelivered. But it is pertinent to mention that had such letter been received back undelivered, the respondent would have placed it on the record and since no such letter has been produced, it goes to show that no letter had in fact been sent to the complainant asking him to resume duty.

Apart from this, the only witness who has appeared on behalf of the respondent, Shri Rattan Lal, has not stated anything in this behalf in order to support the version given in the reply to the complaint that a letter had been sent to Shri Jaswant Singh, and that it had been received back undelivered.

It is true that Shri Rattan Lal claims that Shri Jaswant Singh had not left any address with the respondent or the Personnel Officer when he went for military training, but the fact remains that Shri Jaswant Singh's home address as well as of every employee is expected to be found in service book. Not only this Shri Jaswant Singh has alleged that besides his home address being with the respondent in the service book, he had also given his address in the representation that he had filed against the orders passed in respect of termination of his services. It is thus abundantly clear that the respondents had the address of Shri Jaswant Singh but for reasons best known to them they did not care to inform him or direct him to join duty in pursuance of the award given in the earlier complaint filed by Shri Jaswant Singh.

Even if all this were to be ignored, it may be stated that, it has not been denied by the respondent that at the time when order, Ext. C/4 was passed reference No. 2/C of 1971 was pending, and no permission was taken by the respondent before taking the impugned action against the complainant which on the face of it was in contravention of provisions of section 33A of the Industrial Disputes Act, 1947, as had been the case when the services of Shri Jaswant Singh, complainant had been terminated earlier on i.e. 24-8-1971. Needless to add that if such an action were to be condoned, it would tantamount to completely disregarding the earlier award and implementation of the directions given therein and it would hardly be consistent with the provisions of law or fair play or justice.

The respondent's authorised representative Shri Rattan Lal has urged that since an enquiry had been held against Shri Jaswant Singh as was evident from various documents placed on record in that behalf and that on its basis action had been taken i.e. as per findings of Enquiry officer; merely because another view could be taken the findings of Enquiry officers could not be brushed aside unless the findings of the Enquiry Officer were perverse or enquiry that was held was not shown to have been fair and proper or there had been discrimination, victimisation or violation of principles of natural justice, and that this Tribunal could not take a different view from the one taken. However, this argument is without substance as enquiry which was held relates to first order of termination on basis of which services of Shri Jaswant Singh had been terminated on 24-8-1971 and which order was found to be in contravention with the provisions of sections 33A and 33(2) of the Industrial Disputes Act, 1947 and there was no material relating to any other enquiry on the record or any other such proceedings that may have been taken against Shri Jaswant Singh before the order, Ext. C/4, was passed on 22-6-1972.

It has also been maintained by the respondent's witness, Shri Rattan Lal, that Shri Jaswant Singh had not informed

the respondent about his having been called by Army authorities to join training as a reservist, though Shri Jaswant Singh claims to the contrary. In any case he having been enrolled as a reservist, a duty was cast upon him to report for training and since by that time, the directions given in the award on the first complaint had not been implemented, the respondent could not otherwise also justifiably expect of him to have informed him about his having been required to join as a reservist. The alleged failure on part of Shri Jaswant Singh to inform the respondent about his having received a letter by him calling upon him to join as a reservist, would under the circumstances explained above would not make any material difference.

In this way the respondent has more or less tried to circumvent the directions given in the award on the first complaint filed by Shri Jaswant Singh, and since the respondent has not obtain prior permission for taking the impugned action during the pendency of Reference No. 2/C of 1971, it is held that there has been contravention of the provisions of section 33A and 33(2) of the Industrial Disputes Act, 1947.

P. P. R. SAWHNY, Presiding Officer.

New Delhi, the 30th January, 1973

S.O. 384.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the State Bank of Patiala and their workmen, which was received by the Central Government on the 25th January, 1973.

[No. L. 12012/94/71/LR III]

KARNAIL SINGH, Under Secy.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS) CANTAB BAR-AT-LAW, PRESIDING OFFICER CENTRAL INDUSTRIAL CHANDIGARH

Reference No. 2/C of 1972

BETWEEN

the workmen and the management of State Bank of Patiala.

Appearance :

Shri Tek Chand Sharma—for the workmen.

Shri N. K. Kaushal—for the respondent Bank.

AWARD

An industrial dispute having arisen between the workmen and the management of the State Bank of Patiala, regarding the matter specified below, the Government of India referred the same to this Tribunal for adjudication—vide Ministry of Labour & Employment and Rehabilitation, Departments (Departments of Labour & Employment) Notification No. L. 12012/94/71/LR III, dated 22nd January, 1972 :—

Whether the action of the management of State Bank of Patiala in terminating the services of Shri Mohinder Singh, Armed Guard at their Doraha Branch with effect from the 8th May, 1968 is justified? If not, to what relief is he entitled?

2. Usual notices were issued to the parties, and in response to the same the workmen submitted statement of claim and the respondent Bank written statement. Thereafter the workmen filed replication.

3. It has been stated in the statement of claim by Shri Mohinder Singh that he was employed as an armed guard with the respondent Bank at Doraha, that despite the enquiry Officer having reported (while giving benefit of doubt) that the main charge relating to his (Shri Mohinder Singh's) having fired a shot at Shri Tehla Singh from the respondent Bank's gun had not been proved, the respondent Bank had terminated his services on 8th May, 1968 in an arbitrary,

illegal and *mala fide* manner, and in violation of principles of natural justice and Bipartite settlement, dated 1st October, 1966.

He has further stated therein :

that the punishing authority had gone beyond the findings of the enquiry officer in an arbitrary manner,

that the punishing authority and the appellate authority had not passed speaking orders, and

that he was entitled to be reinstated with continuity of service and payment in full of the back wages and other benefits.

4. In the written statement the respondent bank raised the following two preliminary objections and on merits they have stated that it would be wrong to allege that the charges had not been proved on the material that was available on the enquiry file, that in any case, it was a case of discharge simplicitor, that the order of termination of services was *bona fide*, valid/and in consonance with the principles of natural justice and that it was open to the punishing authority to take a different view from that of the Enquiry Officer on basis of material and evidence that may have been adduced in the enquiry against a delinquent employee if the conclusions arrived at on the facts recorded by the enquiry officer were found to be unsound and erroneous.

5. Preliminary objections :

- (1) that it is a case of discharge simplicitor which is legally permissible under the law and the provisions of Awards/Bipartite Settlement; and
- (2) that the concerned workman had forfeited the confidence of the management, and for that reason he is not entitled to be reinstated in the service of the respondent Bank.

6. In the replication the workman has generally challenged the correctness of the preliminary objections taken by the respondent bank and has denied that it was a case of discharge simplicitor and has reiterated that the termination of his services was *mala fide* and bad in law, as also various other submissions made by him in the statement of claim.

7. It was not considered necessary to frame any preliminary issue as the question that has to be decided as per the term of reference was whether the management was justified in terminating the services of the concerned workman and in that way the respondent bank would have an opportunity of establishing their view point viz that the case of the workmen was that of discharge simplicitor and not of termination of services and it was on that account the term of reference was framed as the only issue.

8. Only one witness has been examined by the respondent bank i.e. Shri Jaspal Singh, Staff Superintendent of the respondent bank at Patiala, who has placed on record documents, Exts. B/1 to B/19.

The concerned workman has examined himself as a witness as also his authorised representative, Shri Tek Chand Sharma.

9. Two charges have been levelled against the concerned workman, Shri Mohinder Singh, viz :—

- (1) "You are alleged to have fired the Bank's gun on Shri Tehla Singh, Truck owner, Raikot at about 9.30 P.M. on the 27th July, 1966 while you were posted at Raikot Branch as Armed Guard. You have thus committed an offence involving moral turpitude under clause 19.2 of the Bipartite settlement. Further this act on your part is prejudicial to the interests of the Bank in terms of clause 19.5(j) of the Bipartite settlement."
- (2) "You are alleged to have refused to accept the orders of your transfer to Gobindgarh branch on the 22nd August, 1966 from the Manager, Raikot Branch. Again when the orders were sent to you at your residence for delivery to you on the 24th

August, 1966 through Shri Balinder Singh, Clerk-cum-typist, Raikot Branch who was accompanied by Shri Bhan Singh, Armed Guard of that office, you refused to take delivery of the letter. Your refusal to take the delivery of transfer orders amounts to gross misconduct as contemplated in terms of clause 19.5(e) of the Bipartite Settlement.

10. From the Enquiry Officer's report, Ext. B/6, it is to be found that so far as charge No. 1 is concerned, the enquiry officer has given benefit of doubt to him and he did not hold him guilty of the charge.

In, so far as the other charge is concerned, the enquiry officer has found that allegation No. (i) had not been proved, and allegation No. (ii) was proved to the extent of putting off receipt of letter of his transfer on 24th August, 1966.

It may also be mentioned in passing that the case was registered with the police against Shri Mohinder Singh on the same allegations that he had fired a shot with his gun on Shri Tehla Singh, and as per judgment, copy Ext. B/18, he was given benefit of doubt and acquitted.

The concerned workman was in that way not held responsible for having fired a shot at Shri Tehla Singh neither by the enquiry officer nor by the court.

11. In support of their case the prosecution produced Sarv Shri Waryam Singh; Karnail Singh, eye witnesses, and Tehla Singh the injured person before the court and the observations made in appeal by the Learned Sessions Judge reproduced below are very important :—

According to the prosecution story, Tehla Singh was caused injuries by Baldev Singh and Mohinder Singh and he was rescued by Waryam Singh and Karnail Singh and this occurrence had taken place in front of the shop of Bagu. Bagu has not been produced nor cited as witness while Waryam Singh and Karnail Singh did not support the version of the prosecution. Thus we are left only with the statement of Tehla Singh complainant. His statement does not inspire confidence. He has stated that Mohinder Singh had fired at him a shot with his shot gun. This seems to have been disbelieved by the Investigating Officer. Otherwise a case under section 307 I.P.C. should have been registered against Mohinder Singh. It is not safe to rely on the statement of Tehla Singh, who is not proved to be a wholly reliable witness. I accordingly accept this appeal, set aside the conviction of the appellants and giving them benefit of doubt acquit them."

After the acquittal of Shri Mohinder Singh, Supdt. Staff Department submitted note Ext. R/3, dated 23rd June, 1967 to the General Manager, that in terms of sub para (d) of paragraph 19.3 of the Bipartite Settlement, since Shri Mohinder Singh had applied for re-consideration of his case of termination of services, they proposed to conduct a departmental enquiry in terms of provisions of clauses 19.11 and 10.12, even if Shri Mohinder Singh had been acquitted by having been given benefit of doubt, yet in view of the acts attributed to him which amounted to gross misconduct, he was liable to be punished under the rules.

12. The respondent Bank has only produced Shri Tehla Singh, as a witness in respect of the alleged incident of Shri Mohinder Singh having fired a shot at him before the enquiry officer and his solitary statement has not been relied upon by the enquiry officer and he too has given cogent reasons for not relying upon the statement made by Shri Tehla Singh.

It may also be mentioned that from the statement, Ext. R/5, made by Shri Tehla Singh before the enquiry officer it is to be found that there were some guests at his house who had come from Jagraon, but none of these persons has been named by him or examined as witnesses before the enquiry officer by the respondent bank, and instead Sarvshri Waryam Singh and Karnail Singh had been produced as eye witness, but they too did not support the prosecution version, and the learned Sessions Judge while disposing of the

appeal found that Shri Tehla Singh was an unreliable witness.

It is also pertinent to mention that Shri Tehla Singh had stated before the enquiry officer that he had not seen Shri Mohinder Singh firing a shot at him and that after the sound of the shot he had found that it had hit the wall, and he also stated before the enquiry officer that he did not see the gun and could not say whether that was Bank's gun or some one else's.

It is also to be found from the statement of Shri F. C. Sofat made before the enquiry officer that on the alleged day of occurrence, the duty of Shri Mohinder Singh was from 10.00 A.M. to 6.00 P.M. and that the bank's gun was placed in the almirah at 5.00 or 6.00 P.M., and its key had been taken by him, and that Shri Gurdial Singh, armed guard, whose duty was to start at 10.00 P.M. had come to him at 9.30 P.M. at his house and taken away the key and that he had no knowledge about the occurrence as he was not present at that time.

In this behalf the enquiry officer has stated that Shri Gurdial Singh has not been produced who could have explained how bank's gun came to the hands of Shri Mohinder Singh with which he was alleged to have fired a shot.

Stress has been laid by the respondent bank on letter, Ext. R/20 dated 2nd August, 1966, sent by Shri Mohinder Singh to the General Manager of the respondent bank, wherein Shri Mohinder Singh said to have admitted firing a shot from the Bank's gun for his own safety as well as for the safety of the bank. This letter was, however, not produced before the enquiry officer, and Shri Mohinder Singh was not confronted with its contents at any stage.

Apart from this, a mere perusal of this letter goes to show that it does not specifically relate to alleged occurrence on 27th July, 1966 inasmuch as it has been worded in such a vague manner that it may be taken to relate to some other occurrence of 1966. Even if, that be not so, it is a matter of common knowledge that a document as a whole has to be taken into consideration, and bits from here and there cannot be picked out for the benefit of a party and it has to be read and taken as a whole and not piecemeal. Accordingly if firing of a shot by Shri Mohinder Singh be claimed to have been admitted by him his other part of the statement has to be taken as correct that he did so for his own safety and for the safety of the bank as stated by him and dubbing him with misconduct under such circumstances would not be justified.

Besides this letter is in English and Shri Mohinder Singh's signatures appear in Punjabi, presumably because he does not know English and he may not have been made aware of the contents of this letter more so when its suite has not been examined as a witness.

In this behalf Shri Mohinder Singh has stated that signatures appear to be his. But as has been mentioned earlier on, he has not been confronted with the contents of this letter, when he appeared as a witness before this Tribunal or during the enquiry and he has at no stage certified to the correctness of the contents of this letter which was produced by the respondent bank at a very late stage. As such this letter has hardly any evidentiary value and does not go to establish that there was an admission on the part of Shri Mohinder Singh who has all along denied his having fired a shot with the bank's gun before the enquiry officer and in his reply to the charge-sheet and to the show cause notice.

It is not quite understandable on what basis the respondent had chosen to take action in terminating services of Shri Mohinder Singh as the main charge against him was not found to have been proved both by the enquiry officer and the court.

13. It has been urged on behalf of the respondent Bank that it is open to the punishing authority to differ from the findings on the material placed before the enquiry officer, while relying upon 1969-II-L.L.J.-743(S.C.); AIR-1972-S.C.21 and AIR-1972-S.C.-2182 and AIR-1964-S.C.-364.

The workman has relied upon A.I.R. Calcutta-179, wherein findings of the enquiry officer or an enquiry committee if the material placed before the enquiry officer warrants such a conclusion, but all the same the employer has to record brief reasons for dis-agreeing with the findings of the enquiry officer which has not been done in the instant case. In A.I.R.-1972-S.C.-2182 it has been held that findings of an Enquiry Officer cannot be characterised as perverse by a Labour Court unless it is shown that the finding is opposed to the whole body of evidence produced. In an enquiry once a conclusion is deduced from the evidence it is not possible to assail it even though it is possible for some other authority to arrive at a different conclusion. In another citation A.I.R.-1964-S.C.-364, relied upon by the respondent bank, it has been stated that the employer/Government could take different view than the enquiry officer, if the findings of the enquiry officer were unsound or erroneous, but there is no clear cut finding by the Respondent Bank in the instant case.

The workmen have relied upon A.I.R. Calcutta-179, wherein it has been held that failure to state expressly that the punishing authority differed from the findings of the enquiry officer would not be justified.

Keeping in view observations made in various authorities referred to by the parties it is necessary to refer to the relevant order passed by the punishing authority, Ext. R/12, and also to the order passed in appeal Ext. A/19. Their perusal shows that no reason whatsoever, has been given by either authority as justifying their coming to a different finding from the one given by the enquiry officer and all that these orders say is that since the charge against Shri Mohinder Singh was serious, his services should be terminated, on payment of three months' pay and allowances in lieu of notice in terms of clause 19.3(C) of the Bipartite settlement.

In the absence of any reason, what to say of cogent reasons, having been given by the punishing or the appellate authority for coming to a different finding than that of the enquiry officer, it is to be taken that neither of the authorities was justified in dis-agreeing with the findings given by the enquiry officer and coming to a different conclusion without there being any material to support such a finding as much as charge No. 1 relating to Shri Mohinder Singh having fired a shot at Shri Tehla Singh with the Bank's gun clearly is not shown to have been proved.

14. The second charge consists of two part. In regard to part (i) of the 2nd charge the enquiry officer has again given benefit of doubt to Shri Mohinder Singh and stated that it had not been proved that Shri Mohinder Singh had refused to take delivery of the letter which was said to relate to his transfer.

The enquiry officer has observed in this connection in his report, Ext. R/6, that this charge was totally unproved as even the Manager had nowhere stated that Shri Mohinder Singh refused to receive his transfer orders in August, 1966.

The only other charge that is part (ii) of charge No. 2, relates to Shri Mohinder Singh not having received orders sent to him at his residence through Sarvashri Balinder Singh and Bhan Singh, who have been examined as witnesses before the enquiry officer. In this respect the findings of the enquiry officer are that the charge was proved to the extent that he put off the employees from receiving the letter/transfer order when that was sent to him at his house on 24th August, 1966.

However the statements made by Sarvashri Balinder Singh and Bhan Singh, do not go to show that Shri Mohinder Singh was told that the orders that were sought to be delivered to him related to his transfer, in as much as the letter was said to be sealed, and they did not know its contents, and Shri Mohinder Singh who was lying on a charpai being ill, had told them that he would come to the office and receive it. Even if this version of the witnesses produced by the bank before the enquiry officer were to be taken as correct, there is no such material which might justify the respondent bank for taking the view that it amounted to gross misconduct on the part of Shri Mohinder Singh.

It has been urged on behalf of the workman, while relying upon 1968-II-L.L.J.-625 that an open mind should be kept

held on the assumption that he was guilty of the charges with regard to the charges levelled until the charges are proved, and that an enquiry, as in the instant case, had been and liable to a particular punishment, such an enquiry is in violation of the principles of natural justice.

It is unnecessary to go into detail in respect of this aspect of the matter as the enquiry officer has exonerated Shri Mohinder Singh of the serious charge against him, and has only found that he had put off Sarvashri Balinder Singh and Bhan Singh when they had gone to deliver a letter to him and they have not indicated as to what the contents of that letter were.

It has been maintained on behalf of the respondent bank, while relying upon A.I.R.-S.C.-136, that it was open to them in case of gross misconduct to discharge their employee with or without notice or payment of three months' wages etc. when the evidence was found sufficient to establish the charge and when the bank does not for some reasons think it expedient to retain such a person any longer in service.

No doubt the Bank is competent to take action mentioned in the aforesaid citation, but there has to be sufficient material to sustain the charge and the employee's services cannot be dispensed within an arbitrary manner.

According to 1960-Service Law Reporter-494 payment of pay and allowances is a condition precedent to the termination of services, and in the instant case the Punishing authority and the appellate authority had ordered that Shri Mohinder Singh should be paid three month's pay and allowances as wages for the notice period, but no evidence has been led to show that such a payment was made.

The workmen has relied upon a large number of citations to show that it was upon the appellate authority to provide him with opportunity of personal hearing which had been denied to him. In a case of termination of services under the Indian Customs Act it has been *Inter alia* held *i.e.* in 1957-A.I.R.-S.C.-148 that it was not necessary that personal hearing be given at every stage.

One of the pleas taken by the respondent Bank is that since this was a case of discharge simplicitor which was permissible under law *i.e.* under various awards and Bipartite settlement and that they were justified and competent to get rid of services of Shri Mohinder Singh, armed guard this Tribunal had no jurisdiction as held in 1969-II-LI-799 Supreme Court.

It is unnecessary to go into this question in detail as it has already been found that the respondent Bank had differed from the findings of the enquiry officer without giving any reasons whatsoever and that those orders were not sustainable in the eyes of law.

In this connection it may however be stated that in the show cause notice and in the orders passed by the punishing authority and the appellate authority the words "Services of Shri Mohinder Singh are terminated" appear. The respondent Bank has all the same maintained that it was not a case of termination of services but that of discharge simplicitor.

Another plea that has been taken by them is that should it be found that the termination of services of Shri Mohinder Singh was justified he may be awarded compensation as Shri Mohinder Singh had forfeited their confidence and that he was not entitled to reinstatement.

15. A plea has also been taken by the workman that the order of the appellate authority was not a seeking order. It is, hardly necessary to go into this question as it has already been found that neither the order of the punishing authority nor that of the appellate authority was justified inasmuch as they had not given any reasons for coming to a different finding from the one given by the enquiry officer. It may be added that order Ext. R/12 of the punishing authority is not even shown to have been served upon Shri Mohinder Singh.

Having regard to the observations made above it is held that there was no justification for the respondent Bank to have terminated the services of Shri Mohinder Singh with effect from 8th May, 1968.

42 G of 1/72-6.

The only question that arises for consideration is whether Shri Mohinder Singh should be ordered to be reinstated from the date his services were terminated or be allowed compensation instead. Since the respondent bank have maintained that he had lost their confidence and they have in this behalf relied upon A.I.R. 1954-S.C.-506 and the statements made by Shri Mohinder Singh, Ext. R/20 and R/21 which go to show the past record and conduct.

The respondent bank has also relied upon A.I.R.-1971-S.C.-2414 and 1972-S.C.-1975 for the proposition that where an employee was discharging duties of an office of trust and his services are terminated on the ground of loss of confidence, the Industrial Tribunal should not direct his reinstatement or direct that he should be employed in another job.

The workmen has, on the other hand, relied upon 1957-Andhra Pradesh-414, and maintained that neither in the charge sheet nor in the show cause notice or while passing orders the punishing authority or the appellate authority had given any indication that he had lost confidence of the Bank.

It may be stated in this behalf that Shri Mohinder Singh was in the employment of the respondent Bank as an armed guard which post is no doubt an office of trust and involves security of the bank and since the respondent bank claims that they have lost confidence in him, it would not be expedient to order his reinstatement. Accordingly while keeping in view the observations made by their Lordships in A.I.R.-1972-S.C.-1975 and the fact that the termination of services of Shri Mohinder Singh has not been shown to be justified by the respondent Bank, an award is given that Shri Mohinder Singh, in the peculiar circumstances of the case, should not be reinstated, but that he should be compensated and that he is entitled to be paid pay and allowances admissible to him from the date of passing of the impugned order till the date this award is published.

No order as to costs.

P. P. R. SAWHNY, Presiding Officer.

New Delhi, the 30th January, 1973

S.O. 385.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Bankola Colliery of Messrs. Burrakur Coal Company Limited, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 24th January, 1973.

[No. L-19012/3/72-LRII]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 25 of 1972

Parties :

Employers in relation to the management of Bankola Colliery of Messrs. Burrakur Coal Company Limited.

AND
Their Workmen.

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearances :

On behalf of Employers—Sri M. K. Mukherjee, Advocate.

On behalf of Workmen—Sri B. S. Azad, General Secretary, Khan Shramik Congress.

State: West Bengal**Industry:** Coal Mine.**AWARD**

By Order No. I/19012/3/72-LRII, dated the 18th April, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following industrial dispute existing between the employers in relation to the management of Bankola Colliery of Messrs Burrakur Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:—

“Whether the action of the management of Bankola Colliery of Messrs Burrakur Coal Company Limited, Post Office Ukhra, District Burdwan, in suspending Shri Parsuram Sharma, Chapras, with effect from the 11th October, 1971 to the 21st October, 1971 is justified? If not, to what relief is the workman entitled?”

2. The management in this proceeding raised a question regarding the jurisdiction of this tribunal to entertain the dispute on the ground that the union representing the workman had not approached the management with the charter of demand before taking the demand to the conciliatory authority. At the hearing the management does not press this point regarding the jurisdiction of this tribunal as raised in paragraph 3 of the statement of case filed by the management.

3. The parties then filed a petition of compromise relating to the dispute. The management and the workman has been properly represented in this proceeding. Heard the Secretary of the Union representing the workman and the learned Advocate representing the management. The terms of the compromise are fair, just and equitable and also beneficial to the interest of the workman. So, I record the compromise, and as prayed for, render an award in terms of the compromise petition which shall form part of the award.

Dated. January 12, 1973.

S. N. BAGCHI, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

Reference No. 25 of 1972

Parties :

Employers in relation to the management of Bankola Colliery.

AND
Their Workmen.

The humble joint petition of the parties above-named most respectfully sheweth:—

1. That without prejudice to their respective contentions, the parties have amicably settled their dispute, which forms the subject matter of instant reference on the following terms:—

- That Shri Parsuram Sharma shall be paid as an *ex-gratia* payment a sum equal to Lay Off Compensation with effect from 11th October '71 to 21st October '71.
- That the days of suspension from 11-10-71 to 21-10-71 shall be treated as attendance for the purposes of qualification of bonus and annual leave.
- That the parties shall bear their own costs of the reference.

2. That the above terms are just, reasonable and fair.

In the circumstances the parties pray that the Hon'ble Tribunal may be pleased to pass an Award in terms of the above compromise treating this petition as a part of the Award.

And as in duty bound, the parties shall ever pray.

Representing Employers

S. K. SINGH, Superintendent (R).

The Burrakur Coal Co. Ltd.,
Bankola Colliery,

P. O. Ukhra, Dt. Burdwan.

Representing Workmen.B. S. AZAD, General Secy.
Khan Shramik Congress
P.O. Ukhra
Distt Burdwan.

नई दिल्ली, 1 जनवरी, 1973

आदेश

का. आ. 386.—यतः केन्द्रीय सरकार की राय है कि इससे उपायदृष्ट अनुसूची में विनियोगित विषयों के बारे में कनारा बैंक से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ऑफ्सीयरिंग विवाद विद्यमान है,

आँ यतः केन्द्रीय सरकार उक्त विवाद को न्यायीनिर्णयन के लिए नियोजित करना बांधनीय समझती है;

अतः अब, ऑफ्सीयरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के सुण्ड (घ) द्वारा प्रस्तृत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा एक ऑफ्सीयरिंग अधिकारण गठित करती है, जिसके पीठासीन अधिकारी धिरू जी. गोपीनाथ होंगे, जिनका मुख्यालय मद्रास होगा, उक्त विवाद को उक्त ऑफ्सीयरिंग अधिकारण को न्यायीनिर्णयन के लिए नियोजित करती है।

अनुसूची

“क्या कनारा बैंक के प्रबंधनंत्र की अपने कर्मचारियों को पदत्याग किए बिना अधिकारी श्रेणी 4 के पदों के लिए सीधी भर्ती होती आरक्षित प्रतिशत पदों के लिए प्रतियोगी होने की अनुमति न देने की कार्यवाही न्यायीचित है? यदि नहीं, तो वे कर्मकार निक्स अनुताप के हकदार वृंदे?”

[सं. 24/26/70-स्ल आर 3]

कर्नेल सिंह, अवर सचिव

New Delhi, the 1st January, 1973

ORDER

S.O. 386.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Canara Bank and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Thiru G. Gopinath shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Canara Bank in not allowing their employees to compete in the percentage posts reserved for direct recruitment to the Posts of Grade IV Officer without resigning is justified? If not, to what relief are the workmen entitled?"

[No. 24/26/70/LRIII]

KARNAIL SINGH, Under Secy.

New Delhi, the 31st January, 1973

S.O. 387.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Messrs Tata Iron and Steel Company Ltd., Jamadoba, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 25th January, 1973.

[No. 2/34/69-LRII]

KARNAIL SINGH, Under Secy.

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO. 3, DHANBAD

Reference No. 12 of 1970

Present :

Shri B. S. Tripathi, Presiding Officer.

Parties :

Employers in relation to the management of M/s. Tata Iron & Steel Co. Limited, Jamadoba, P. O. Jealgora, Dist. Dhanbad.

AND

Their workmen represented by Colliery Mazdoor Sangh, Dhanbad.

Appearances :

For Employers—Shri S. S. Mukherjee, Advocate and Shri L. H. Parvatyar, Law Officer, Tata Iron & Steel Co. Ltd.

For Workmen—Shri S. Dasgupta, Secretary Colliery Mazdoor Sangh, Dhanbad.

Industry : Coal.

State : Bihar.

Dhanbad, the 20th January, 1973

AWARD

The present reference arises out of Order No. 2/34/69-LRII dated the 20th January, 1970 of the Central Government in the Ministry of Labour, Employment & Rehabilitation (Department of Labour and Employment) under Section 10(1)(d) of the Industrial Disputes Act, 1947 in relation to an industrial dispute arising between the parties, mentioned above, with respect to matters specified in the schedule of reference which is extracted below :—

SCHEDULE

1. Whether the demand of the Colliery Mazdoor Sangh, Dhanbad, for 23 per cent increase in the existing rate of commission of the Miners' Sirdars detailed below employed in the Collieries of M/s. Tata Iron and Steel Co. Ltd., in terms of the recommendations of the Coal Wage Board, is justified? If so, to what relief are they entitled?

II. Whether the demand of the Miners' Sirdars referred to above for profit sharing bonus, sick leave, gratuity on retirement as per Tata Iron & Steel Company Rules, train fare and quarters is justified? If so, to what relief are they entitled?

S.No.	Name of the Colliery	Name of the Miners' Sirdars
1.	Digwadih Colliery	Shri Jai Ram Mahato
2.	-Do-	Shri Sona Ram Mahato
3.	-Do-	Shri Ram Kishan
4.	-Do-	Shri Jalil Khan
5.	-Do-	Shri Sitaram Sharma
6.	-Do-	Shri M. Tiwari
7.	-Do-	Shri Thato Manjhi
8.	-Do-	Shri Maniruddin
9.	-Do-	Shri Daso Mahato
10.	Siju Colliery	Shri Inammar Mia
11.	-Do-	Shri Bashir Khan
12.	-Do-	Shri Nadiya Ray
13.	-do-	Shri Bhojoy Kalwar
14.	-Do-	Shri Moti Thakur
15.	Do-	Shri Basarat Mia
16.	-Do-	Shri Bhutu Mia
17.	-Do-	Shri Rameshwar Rajwar
18.	Jamadoba Colliery	Shri Jan Mohammad
19.	-Do-	Shri Ramcharan
20.	-Do-	Shri Lajit Singh
21.	-Do-	Shri Anant Singh
22.	-Do-	Shri Sipati
23.	-Do-	Shri Rambajan
24.	Bhelatand Colliery	Shri Rasul Mia
25.	-Do-	Shri Goftar Gope
26.	6 & 7 Pits Colliery	Shri Dhirajlal Patel
27.	-Do-	Shri Bibhuti Das
28.	-Do-	Shri Jabbar
29.	-Do-	Shri Kokhi Turi
30.	-Do-	Shri Sibcharan
31.	-Do-	Shri Mihir Gorai
32.	Malkera Colliery	Shri Md. Shafi
33.	-Do-	Shri Sita Ram Hazam
34.	-Do-	Shri Boren Hazam
35.	-Do-	Shri Nikut Kormi
36.	-Do-	Shri Hakimuddin
37.	-Do-	Shri Bhagat Singh
38.	-Do-	Shri Merai Mia
39.	-Do-	Shri Rozan Mia
40.	-Do-	Shri Chaitu Turi
41.	-Do-	Shri Turi Kumhar
42.	-Do-	Shri Bhudhan Roy
43.	-Do-	Shri Abdul Latif.

2. The reference was received by this Tribunal on 30-1-70 when it was registered as reference No. 12 of 1970. Thereafter the parties filed their respective written statements. A number of documents filed by the parties were also exhibited. In the meantime the parties settled the dispute amicably out of Court. They filed a compromise petition containing the terms of settlement and the petition was signed by the representatives of the parties. The representatives of both the parties verified the same before me and prayed for making award in terms of the settlement.

3. I have carefully perused and considered the terms of settlement in the light of the reference and the cases of the parties and I find that the terms are quite fair, just and equitable. There is no reason as to why an award shall not be made in terms of the settlement and I make an award accordingly. The petition containing the terms of settlement shall form part of the award and is marked Annexure 'A' thereof.

4. Let the award be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

B. S. TRIPATHI, Presiding Officer.

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT'S INDUSTRIAL TRIBUNAL No. III,
DHANBAD

Reference No. 12 of 1970

Employers in relation to the Digwadih Colliery of M/s.
Tata Iron & Steel Co. Ltd., Jamadoba. P. O.
JAMADOBIA, District Dhanbad.

Vs
Their Workmen

That without prejudice to the respective contentions of the parties contained in their written statement, the dispute in the above reference has been amicably settled on the following terms :—

- (1) That S/Sri Bhojai Kalwar, Moti Thakur and Ram Charan (Sr. No. 13, 14 and 19 respectively) are dead; Jairam (Sr. No. 1) has left the Colliery and is not interested to return; and Sri Rameshwar Rajwar (Sr. No. 17) is a working Miners' Sirdar has been receiving the benefits covered by the Reference. The terms of settlement will, therefore, not apply to these above five persons. The Union gives up their claim in this Reference and it was agreed to determine by mutual negotiation with the Union for payment of some *ex-gratia* amount.
2. That to the remaining 38 non working Miners' Sirdars mentioned in the schedule of the Reference, the Management has agreed to pay to each of them an increase of 23 per cent in their existing rate of commission as recommended by the Coal Wage Board with effect from 15th August, 1967, subject to the following provisions :—
 - (a) That those out of the above non-working Miners' Sirdars who are of 60 years of age and above shall retire and they will be paid an ad-hoc amount equivalent to the gratuity payable to the Company's employees on the basis of total length of service subject to the maximum prescribed in the gratuity Rules of the Company.
 - (b) That those out of the above non-working Miners' Sirdars who are below the age of 60 years shall have to go under-ground every day, actively supervise the work entrusted to them and will be subject to discipline and Standing Orders followed at the Collieries of the Management for their employees from time to time.
 - (c) That those out of the above non-working Miners' Sirdars who are below the age of 60 years may also opt for some other suitable alternative jobs provided by the Management. It is agreed that Management would provide necessary training if required for the alternative jobs. In that event such Sirdars shall have to accept the Category rate of the alternative job so provided.
 - (d) That those of the non-working Miners' Sirdars who are below the age of 60 years and are prepared to take up the jobs as mentioned in Clauses (b) and (c) above will be subjected to a medical examination to ascertain their fitness for underground work. In case they are declared unfit they shall retire and they will be paid an ad-hoc amount equivalent to the gratuity payable to employees of the Company.
 - (e) That those of the non-working Miners' Sirdars who are below the age of 60 years and are not prepared to take up the job on conditions as mentioned in Clauses (b) and (c) above shall have to retire and they will be paid an ad-hoc amount equivalent to the gratuity payable to employees of the Company.
 - (f) That, those non-working Miners' Sirdars who decide to continue to work as per Clauses (b) and (c) above, will have also the option to retire before attaining the age of 60 years and they will also to be paid an ad-hoc amount equivalent to the gratuity payable to the employees of the Company.

(g) That all non working Miners' Sirdars who retire on attaining the age of 60 years or who opt to retire before attaining the age of 60 years before 1st February, 1963, would be paid in addition to the ad-hoc amount, equivalent to gratuity, an ad-hoc amount which will be equivalent to the Profit Sharing Bonus calculated from the period 1967 to 1972, payable to a Company's employee.

(h) That non-working Miners' Sirdars who will continue to work as mentioned in Clauses (b) and (c) above, shall not be allowed to do any contract work, while in employment.

(i) That all non-working Miners' Sirdars who opt to work as per Clauses (b) and (c) above will be governed in the matter of Profit Sharing Bonus, Sick leave, gratuity on retirement, as per rules of the Company, train fare and quarter as admissible to other employees of the Company from the date of this settlement.

3. That the above terms of this settlement will be effective from 1st January, 1973.

4. That the parties will bear their own respective costs of this proceedings.

5. That the above terms of settlement finally resolves the dispute in the present reference and there remains no subsisting dispute which need any further adjudication by the Honourable Tribunal.

6. That the above terms of settlement are just and fair.

It is, therefore, humbly prayed that the above terms of this settlement may kindly be accepted and an award passed in terms thereof.

for Workmen.

S. D. Gupta
8-1-73.

for Employers.

1. S. S. Mukherjee,
2. L. H. Parvatya
Dated 8-1-73

New Delhi, the 31st January, 1973

S.O. 388.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Victory Colliery (G. L. Group) of Messrs Coal Products Private Limited, Post Office Gogla, District Burdwan and their workmen, which was received by the Central Government on the 27th January, 1973.

[No. L-19012/5/72-LRII]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 26 of 1972

Parties :

Employers in relation to the management of Victory Colliery (G. L. Group) of Messrs Coal Products Private Limited,

AND

Their workmen.

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearances :

On behalf of Employers—Sri Monoj Kumar Mukherjee, Advocate.

On behalf of Workmen—Absent.

State : West Bengal.

Industry : Coal Mine.

AWARD

By Order No. L/19012/5/72-LRII, dated 18th April, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following dispute existing between the employers in relation to the management of Victory Colliery (G. L. Group) of Messrs Coal Products Private Limited and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Victory Colliery (G. L. Group) of Messrs. Coal Products Private Limited, Post Office Gogla, District Burdwan, are justified in stopping Shri Marman Turi, Surface Trammer, from work with effect from the 29th June, 1971? If not, to what relief is the workman entitled?"

2. In this case the management filed its statement of case on 25-5-1972. One Robin Chatterjee, General Secretary for and on behalf of the Colliery Mazdoor Sabha, CITU, Raniganj, filed a memorandum wherein Robin Chatterjee, who signed the memorandum has been authorised by Colliery Mazdoor Sabha to represent the workmen in this proceeding. This so called letter of authorisation is neither fish nor flesh nor good red herring. Section 36(1)(a) of the Industrial Disputes Act and Rule 36 Form F of the Central Rules entitles a workman to get him represented by a registered trade union through one of its office bearer or members of the Executive provided he makes and subscribes a letter of authority in the form prescribed in favour of a registered trade union. That has not been done in this proceeding. The Colliery Mazdoor Sabha, CITU, P.O. Raniganj, Dist. Burdwan has been found by this Tribunal to be an unregistered trade union that had committed fraud upon the Statutes when its so called General Secretary purporting to represent the workman member of that unregistered organisation passing by the name of Colliery Mazdoor Sabha, P.O. Raniganj, District Burdwan, raised the dispute before the conciliatory authority in flagrant violation of Section 36(1) of the I.D. Act read with Rule 36 form F of the Central Rules. The conciliatory authority took the so called organisation as registered trade union but in Reference Case Nos. 95 and 103 of 1971 it has been definitely found that the so called trade union passing by the name of Colliery Mazdoor Sabha, CITU, P.O. Raniganj, Dist. Burdwan is not a registered trade union according to law. Therefore, the act of the so called General Secretary of a unregistered trade union in raising the dispute before the conciliatory authority was a fraudulent action that vitiated the entire conciliation proceeding. There was no representation of the workman either by a registered trade union authorised in that behalf by its workmen members to lay the charter of demand relating to the dispute before the authority of the management since the Colliery Mazdoor Sabha, P.O. Raniganj, Dist. Burdwan had never been a registered trade union and the workmen could be members of a trade union passing by the name of Colliery Mazdoor Sabha which has never been a registered trade union. So, from the stage of laying the charter of demand before the management relating to the dispute under reference to the stage of conciliation proceeding, the workmen had not either laid the charter of demand before the authority of the management or before the conciliatory authority nor the workmen through its lawful representative laid either the charter of demand before the authority of the management or before the conciliatory authority.

3. Therefore, the dispute referred to for adjudication lost its character as an industrial dispute within Section 2(k) of the Industrial Disputes Act. On the date of hearing neither Robin Chatterjee nor the workman turned up. Having regard to the factual and legal position discussed above, the dispute referred to for adjudication being not an industrial dispute under Section 2(k) of the Industrial Disputes Act, this tribunal has acquired no jurisdiction either to entertain or to adjudicate upon the dispute. Hence the reference is rejected.

This is my award.

S. N. BAGCHI, Presiding Officer.

Dated, January 19, 1972.

New Delhi, the 31st January, 1973

S.O. 389.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Ghusick Colliery of Messrs Coal and Mineral Syndicate Private Limited, Post Office Kalipahari, District Burdwan and their workmen, which was received by the Central Government on the 27th January, 1973.

[No. L-19012/156/71-LRII]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 10 of 1972

Parties :

Employers in relation to the management of Ghusick Colliery of Messrs Coal and Mineral Syndicate Private Limited,

AND

Their Workmen.

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearances :

On behalf of Employers—Sri Bimalendu Dutta, Advocate.
On behalf of Workmen—Absent.

State : West Bengal

Industry : Coal Mine.

AWARD

By Order No. L/1912/156/71-LRII, dated 14th February, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following dispute existing between the employers in relation to the management of Ghusick Colliery of Messrs Coal and Mineral Syndicate Private Limited and their workmen, to this tribunal, for adjudication, namely:

"Whether the action of the management of Ghusick Colliery of Messrs Coal and Mineral Syndicate Private Limited, Post Office Kalipahari, District Burdwan in laying off of their workmen from the 2nd September, 1971 to the 9th October, 1971 is legal and justified? If not, to what relief are the concerned workmen entitled?"

2. The management submitted its statement of case on 21-3-72. The Union, Colliery Mazdoor Sabha, P.O. Raniganj, Dist. Burdwan that got the notice of the reference as well as the date of hearing did not either submit any statement of case nor appear on the date of hearing. The union, Colliery Mazdoor Sabha, P.O. Raniganj, Dist. Burdwan, has been found in Reference Nos. 95 and 103 of 1971 to be an unregistered trade union. On the date of hearing the management appeared through its learned Advocate. Failure report clearly shows that the Vice-President of Colliery Mazdoor Sabha, CITU, raised the dispute before the conciliatory authority posing himself to be an office bearer of a registered trade union when he was not so since the trade union named Colliery Mazdoor Sabha, CITU, P.O. Raniganj, Dist. Burdwan has never been a registered trade union according to law.

3. Therefore, the Vice-President of the organisation who posed himself to be so of a registered trade union committed fraud upon the Statutes and his fraud vitiated the entire conciliatory proceeding. Therefore, the dispute that was referred to for adjudication ceased to be an industrial dispute and the Central Government acquired no jurisdiction to refer the dispute on the basis of a failure report that emanated

from a conciliation proceeding which was affected by the fraud committed by an organisation passing by the name of Colliery Mazdoor Sabha, CITU, P.O. Raniganj, Dist. Burdwan and posing itself to be a registered trade union when in fact and in law such organisation was not a registered trade union. Therefore, the dispute referred to for adjudication ceased to be an industrial dispute under Section 2(k) of the Industrial Disputes Act and this tribunal has acquired no jurisdiction to entertain or to adjudicate upon a dispute which is not an industrial dispute under Section 2(k) of the Industrial Disputes Act for the reasons as stated above.

In the result, the reference is rejected.

This is my award.

S. N. BAGCHI, Presiding Officer.

Dated, January 19, 1972.

New Delhi, the 31st January, 1973

S.O. 390.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Victory Colliery (M. J. Group) of Messrs Coal Products Private Limited, Post Office Nutandanga, District Burdwan and their workmen, which was received by the Central Government on the 27th January, 1973.

[No. L-19012/159/71-LRII]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

CALCUTTA

Reference No. 15 of 1972

Parties :

Employers in relation to the management of Victory Colliery (M. J. Group) of Messrs Coal Products Private Limited.

AND

Their Workmen

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearances :

On behalf of Employers—Sri Monoj Kumar Mukherjee, Advocate.

On behalf of workmen—Sri Sital Thakur, Concerned Workman.

State : West Bengal.

Industry : Coal Mine.

AWARD

By Order No. L/1912/159/71-LRII, dated 6th March, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following dispute existing between the employers in relation to the management of Victory Colliery (M. J. Group) of Messrs Coal Products Private Limited and their workmen, to this Tribunal, for adjudication, namely:—

"Whether the action of the management of Victory Colliery (M. J. Group), of Messrs Coal Products Private Limited, Post Office Nutandanga, District Burdwan in terminating the services of Shri Sital Thakur, Munshi, with effect from the 14th May, 1971 is justified? If not, to what relief is the workman entitled?"

2. In this reference the workman concerned, purported to have had been represented by Colliery Mazdoor Sabha, CITU, filed its statement of case through the General Secretary of that union. The management in paragraph 3 of the statement of case asserted that no demand in respect of the dispute under reference having had been earlier raised by the union with the management the reference was *ab initio* bad

in law. On 14-12-73 when the case was called on for hearing the workman filed a petition but not the union that purported to espouse the cause of the workman. In that petition the workman asked for an adjournment of the case on the ground that there was likelihood of a compromise. On 5-1-73 the date was fixed for filing of the compromise petition. It was found on 5-1-73 when the management appeared through its learned advocate Mr. Mukherjee and the workman in person that the workman never authorised as required by Rule 36 Form F of the Central Rules any union to represent the workman in the case. The union that purported to represent the workman filed a letter of authority which is not acceptable being contrary to the terms of Section 36 (1)(a) of the Industrial Disputes Act read with Rule 36 Form F of the Central rules. For the union, one Sri Dinesh Singh appeared to conduct the case. In Reference Nos. 95 and 103 of 1971 the union concerned has been found to be an unregistered trade union. So, there is no letter of authority which can be made and subscribed by the workman under the law authorising the union to represent the workman in this case when the union itself is an unregistered trade union. So, Sri Dinesh Singh whoever he may be, was not allowed to represent the workman in this proceeding. The workman was present in the Tribunal. He was asked to state whether before approaching the A.L.C.(C), Raniganj, he made any representation before the management placing his demand before the authority of the management for redress of the same. He replied in the negative. The statement of case filed by the unregistered union purporting to represent the workman cannot be taken any notice of in this proceeding. The workman never authorised any registered trade union to represent his case relating to the demand referred to for adjudication before the authority of the management. The management took a definite point in its statement of case wherein it was stated that no demand in respect of the dispute under reference having had been earlier raised by the espousing union with the management the present reference is *ad initio* bad in law. The statement was filed on 26th December, 1972. As the union that purported to represent the workman was not a registered trade union and was never authorised by the workman to represent his case either before the authority of the management or before the conciliatory authority or before this tribunal in this proceeding, the tribunal had to rely upon the statement of the workman made on oath before this tribunal. From the facts found, the dispute referred to for adjudication had not been laid either before the management or before the conciliatory authority by any registered trade union, of which the workman is a member, duly authorised by the workman in that behalf as required by Section 36(1)(a) of the Industrial Disputes Act read with Rule 36 Form F of the Central Rules. So, the dispute referred to for adjudication is not an industrial dispute within the scope of Section 2(k) of the Industrial Disputes Act. Therefore, this tribunal has acquired no jurisdiction either to entertain or to adjudicate upon the dispute referred to for adjudication which is not in fact and in law an industrial dispute. In the result, I reject the reference.

This is my award.

Dated, January 17, 1972. S. N. BAGCHI, Presiding Officer.

New Delhi, the 2nd February, 1973

S.O. 391.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Victory Colliery (M. J. Group) of Messrs. Coal Products Private Limited, Post Office Nutandanga, District Burdwan and their workmen, which was received by the Central Government on the 27th January, 1973.

[No. L-19012/47/72-LRII.]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 39 of 1972

Parties :

Employers in relation to the management of Victory Colliery (M. J. Group) of Messrs. Coal Products Private Limited.

AND

Their Workmen

Present :

Sri S. N. Bagchi—Presldng Officer

Appearance :

On behalf of Employers— Sri Monoi Kumar Mukherjee, Advocate.

On behalf of Workmen—Shri Dilip Ghosh, Concerned Workman.

State : West Bengal.

Industry : Coal Mine

AWARD

By Order No. L/19012/47/72-LRII, dated 22nd June, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following dispute existing between the employers in relation to the management of Victory Colliery (M. J. Group) of Messrs. Coal Products Private Limited and their workmen, to this tribunal, for adjudication, namely :

"Whether the action of the management of Victory Colliery (M. J. Group) of Coal Products Private Limited, Post Office Nutandanga, District Burdwan, in terminating the services of Shri Dilip Ghosh Provident Fund Clerk by their letter No. VC/143/PSN/39/71/280, dated the 14th May, 1971, is justified ? If not, to what relief is the workman entitled to and from which date ?"

2. The notice of the reference was issued to the General Secretary, Colliery Mazdoor Sabha, P.O. Raniganj, District Burdwan as well as to the management. It was received by the General Secretary of the union on 10-7-72. On 13-9-72 the workman concerned filed a petition. He stated in paragraph 4 of the petition that whatever action had been taken by the union was approved by him, but further action would be taken by the workman personally, and that the workman would appear before the tribunal personally at the hearing. He prayed for condonation of delay in filing the written statement. He was asked to show cause why disregarding the union that espoused his cause he wanted to appear personally and to conduct the proceeding on his own behalf by him. In paragraph 4 of his show cause petition he stated that he was formerly a member of the C.M.S., Raniganj and was no longer a member of the C.M.S. Raniganj and was a member of Colliery Mazdoor Sabha, India, P.O. Raniganj. In paragraph 5 of the show cause petition he stated that the direction to file the written statement was obtained by the General Secretary of the Colliery Mazdoor Sabha of India who was under detention and important officials were not available. This statement is not correct on the face of the record. In paragraph 6 of the show cause petition he further stated that workers of the Victory Colliery authorised the petitioner to take steps in the matter. So, the workman authorised by the workmen of the colliery submitted the written statement. He stated in paragraph 7 of the show cause petition that he would cause the Colliery Mazdoor Sabha of India to be represented in this proceeding. He wanted the written statement filed by him to be considered as if it was the written statement filed by the Colliery Mazdoor Sabha of India, and asked leave for the Colliery Mazdoor Sabha of India to take up the present matter.

3. On 25-11-72, a written statement was filed by Robin Chatterjee, Secretary for and on behalf of the Colliery Mazdoor Sabha, Raniganj. He verified the written statement for and on behalf of the Colliery Mazdoor Sabha, Raniganj but there was no common seal on such statement of the said union. So, the General Secretary of Colliery Mazdoor Sabha, Raniganj was informed by notice that as there was no common seal on the written statement, the written statement filed by Colliery Mazdoor Sabha, Raniganj could not be accepted as authentic and was therefore rejected. One rubber stamp impression was however affixed by Dinesh

Singh on 13-12-1972 while examining the record of the reference. This was then and there pointed out to this tribunal and the tribunal recorded the following order on 13-12-1972 :

"On 11-12-1972, Sri R. Chatterjee, General Secretary of the union came to this office and misinterpreted the notice which they have received from this Tribunal vide Notice No. Ref. 39/72/1682 dated 2nd December, 1972. In that notice it was intimated to them that their written statement is rejected since there is no common seal of the union. The union representative came and put his rubber-stamp on the written statement in Tribunal office on 11-12-72. This has been done on the basis of a bona fide mistake.

Let a note be made on each seal impression quoting this order and date."

4. The workman wanted to be represented by Colliery Mazdoor Sabha of India but the written statement was filed by Colliery Mazdoor Sabha, Raniganj, District Burdwan without a common seal on it. There is no letter of authority in the record made and subscribed by the workman in terms of Section 36(1)(a) of the Industrial Disputes Act read with Rule 36 Form F authorising any union to represent the workman in this proceeding. It has been found in Reference Nos. 95 and 103 of 1971 that the Colliery Mazdoor Sabha, P.O. Raniganj, District Burdwan is not a registered trade union. So, no registered trade union appeared being properly authorised by the workman to represent the workman by filing a written statement for and on behalf of the workman in this proceeding. In the failure report sent along with the order of the reference under the word 'Sir'. The first sentence reads "Colliery Mazdoor Sabha of India (CITU), Raniganj raised a dispute vide its letter dated 22-3-1972 (copy enclosed) before A.L.C.(C), Raniganj that the management of Victory Colliery (M. J. Group) have illegally terminated the services of Shri Dilip Ghosh, P. F. Clerk vide their notice dated 14-5-71 which is quite unjustified and illegal". The words "of India" in the first line has been penned through but without any attesting initial which I have encircled with date and my initials with red ink. The order of reference as page 2 of the reference shows was directly sent by the Central Government to the General Secretary, Colliery Mazdoor Sabha, P.O. Raniganj, Distt. Burwan, but not to the Colliery Mazdoor Sabha of India CITU, Raniganj. As the records stand one unregistered Trade union purporting to espouse the cause of the workman laid the charter of demand relating to the dispute under reference before the conciliatory authority, contrary to Section 36(1)(a) of the Industrial Disputes Act read with Rule 36 Form F of the Central Rules made thereunder. As already observed, Colliery Mazdoor Sabha, P.O. Raniganj, Distt. Burdwan has never been a registered trade union. Such an organisation purporting to act as a registered trade union committed fraud upon the Statutes, i.e. the Industrial Disputes Act and the Trade Unions Act particularly Section 15(d) of the Act. So, at the conciliatory stage the dispute was raised by an organisation purporting to act as a registered trade union when it had never been so committing fraud upon the Statutes thereby vitiating the entire conciliation proceeding. So, the charter of demand laid by the organisation which is not a registered trade union was not a charter of demand filed before the conciliatory authority by a registered trade union for and on behalf of its workman member duly authorised in that behalf as required by law. So, the entire conciliation proceeding was tainted with fraud of an organisation, passing by the name of Colliery Mazdoor Sabha, P.O. Raniganj, District Burdwan which was never a registered trade union under the law.

5. This dispute relates to a single workman and it relates to the termination of his service. Now, the question raised by the management is that no demand in respect of the subject matter of the reference having had been raised with the management before agitating the same with the conciliatory authority the present reference is void *ab initio*. Section 2A of the Industrial Disputes Act reads as follows :

"Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer concerned with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workman is a party to the dispute."

That section has been held to be *ultra vires* the jurisdiction of the Central Legislature in the case of Jute and Jute Goods Buffer Stock Association vs Industrial Tribunal, West Bengal, reported in F.L.R. 1972(4) p. 22. So, that decision is binding on this tribunal. On the date of hearing of this reference, the workman himself was present. He made an application for adjournment of the case. He did not engage any lawyer in this proceeding as required under Section 36(4) of the Industrial Disputes Act. The workman is a party to the dispute and he alone can engage the lawyer in terms of Sub-section (4) of Section 36 of the Act in this proceeding. There is a document which has been filed by one Robin Chatterjee, General Secretary, for and on behalf of the Colliery Mazdoor Sabha appointing Sri Bishnu Mukhandy, Bar-at-Law and Dinesh Singh to represent the workman in this proceeding. Both of them accepted the letter, dated 3-1-73. It is not an authorisation by the workman. Neither it is an authorisation by the workman to any officer or office-bearer or member of the Executive of any registered trade union, nor it is an authorisation by the workman appointing a lawyer to represent him in this proceeding. If the workman, a party to a dispute, is to authorise a lawyer to appear and represent the worker in this proceedings he is to make and subscribe a letter of authority appointing such lawyer in terms of Section 36(4) of the Industrial Disputes Act. A workman is entitled to be represented by a registered trade union if he makes and subscribes a letter of authority in terms of Section 36(1)(a) of the Industrial Disputes Act read with Rule 36 Form F of the Central Rules and such letter of authority is accepted by an officer or an office bearer or a member of the Executive of such a registered trade union. But the letter dated 3-1-73 is neither within the scope of Section 36(1)(a) of the I.D. Act read with Rule 36 Form F of the Central Rules, nor within Section 36(4) of the Act. So, I could not allow the workman further adjournment as asked for by him when he on his own show cause petition represented before this tribunal that he would be represented not by any union, but by Colliery Mazdoor Sabha of India. The Colliery Mazdoor Sabha of India did not appear through any of its office bearers or members of the Executive as required by law and did not file any statement of case representing the workman. Therefore, I could not accede to the demand of the workman concerned. He was present in the Tribunal and he submitted two things, either to adjourn the case for enabling him to engage a lawyer as his lawyer was not present or to allow him opportunity to state his own case. For reasons I have recorded, I asked him to state what he considered his own case on oath before this tribunal as I found that he engaged no lawyer as required by law.

6. The workman stated in examination-in-chief: 'I demand reinstatement to my post. I also demand payment of back wages till my reinstatement'. He was cross-examined by the learned Advocate appearing for the management and he stated in cross-examination :

"I was detained under P. D. Act from 30th April, 1971 to 9th December, 1971. I do not know anything about the tripartite settlement. I never submitted any charter of demand before the authority of the management in writing. I reported my case before Colliery Mazdoor Sabha, P.O. Raniganj, District Burdwan. The union served a letter on the company regarding the demand relating to my reinstatement in service. No copy of such letter has been filed in this proceeding. There is Colliery Mazdoor Sabha, Asansol, AITUC. Sunil Sen may be its General Secretary. I do not know. It is not a fact that I served no charter of demand on the management."

Colliery Mazdoor Sabha, P.O. Raniganj, Distt. Burdwan is not a registered trade union. There is no document in this proceeding showing that the workman ever authorised any registered trade union either to lay the charter of demand relating to the dispute before the management or that the said registered trade union that was so authorised by the workman did submit the charter of demand with the authority of the management. There is no document in the record of the proceeding filed by the workman to show, as the case apparently falls within Section 2A of the Industrial Disputes Act, that he himself without approaching any registered trade union, served a charter of demand relating to the dispute under reference on the authority of the management. The workman represented his cause to Colliery Mazdoor Sabha, P.O. Raniganj, which has been found to be an unregistered

trade union. The workman asserted that the union that means unregistered trade union served a letter on the company regarding the demand relating to his reinstatement in service. An unregistered trade union has no right to represent a workman in any proceeding under the Industrial Disputes Act. Now, if at the stage of laying the charter of demand relating to the dispute before the management, the authority of the management acceded to the demand and entered into a compromise relating to the dispute with any one purporting to represent the workman, posing as an office-bearer or a member of the Executive of a registered trade union but in fact and in law he is not, the settlement by way of agreement in terms of Section 18(1) of the Industrial Disputes Act would not bind the parties to the dispute since the representation of a party to the dispute by an unregistered trade union would be contrary to Sec. 36(1)(a) of the Industrial Disputes Act read with Rule 36 Form F of the Central rules and to Rule 37 thereof in particular. So, "any proceeding" under the Industrial Disputes Act as occurring in Section 36(1) of the Act includes a proceeding at the stage of laying the charter of demand before the authority of the management, before the conciliatory authority and before any of the adjudicatory authorities as the case may be. Judging from this aspect, the workman did not himself lay any charter of demand relating to the dispute before the management, if he comes within Sec. 2A of the Industrial Disputes Act. He did not authorise as law requires any registered trade union to lay the charter of demand before the authority of the management. There is no record before this Tribunal that the workman authorised any registered trade union to represent him before this tribunal in this proceeding. The order of reference was sent to the General Secretary, Colliery Mazdoor Sabha, P.O. Raniganj, District Burdwan. I have pointed out already that Colliery Mazdoor Sabha, P.O. Raniganj, Distt. Burdwan has been found to be an unregistered trade union. So, it has no right to represent the workman in "any proceeding" under the Industrial Disputes Act. The failure report, as I have already observed, with its unattested interlineation shows that the dispute was raised before the conciliatory authority by the unregistered trade union Colliery Mazdoor Sabha, CITU, Raniganj. That Organisation patiently committed fraud upon Statutes violating Sec. 36(1)(a) of the I.D. Act and Rule 36 Form F of the Central Rules and also Sec. 15(d) of the Trade Unions Act. So, the entire conciliation proceeding stood vitiated by the fraud committed by an organisation that posed itself as a registered trade union when it had never been a registered trade union. Therefore, the conciliation proceeding was vitiated by fraud committed on Statutes by an organisation passing by the name of Colliery Mazdoor Sabha, CITU, P.O. Raniganj, District Burdwan which had never been a registered trade union and of which, if the workman was a member, he was not a member of a registered trade union. Therefore, the entire conciliation proceeding was tainted with fraud. So, the dispute raised before the management was not an industrial dispute so also the dispute raised before the conciliatory authority for reasons I have already recorded. Accordingly, the dispute referred to for adjudication is not an industrial dispute within Section 2(k) of the Industrial Disputes Act. If the workman comes within Sec. 2A, he could have, without through any registered trade union, submitted his charter of demand before the authority of the management but he stated in cross-examination, "I have submitted no charter of demand before the authority of the management in writing". So, from this aspect also, the dispute lacks the character of an industrial dispute within Sec. 2(k) of the Industrial Disputes Act, in view of the principles laid down in the case of Raju's Cafe, Coimbatore and Others vs Industrial Tribunal Coimbatore and another, 1951 LLJ I p. 219, in the case of Sindh Resettlement Corporation Ltd. and Industrial Tribunal Gujarat, 1968 I LLJ p. 834 (S.C.) and in the case of Fedders Llyod Corporation Private Ltd. and Lt. Governor, Delhi & Ors., F.L.R. 1970 (20) p. 343 (Delhi High Court). So from several aspects I have considered the dispute referred to for adjudication by this tribunal which is not an industrial dispute within Section 2(k) of the Industrial Disputes Act. Therefore, this tribunal has acquired no jurisdiction either to entertain or to adjudicate upon the dispute.

In the result, the reference is rejected.

This is my award.

S. N. BAGCHI, Presiding Officer.

Dated, the January, 18, 1973.

New Delhi, 2nd February, 1973

S.O. 392.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of South Jharia Colliery, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 24th January, 1973.

[No. L-2012/83/71-LRII.]

KARNAIL SINGH, Under Secy.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 57 of 1971

Parties :

Employers in relation to the management of South Jharia Colliery, P. O. Jharia, (Dhanbad)

AND

Their Workmen.

Present :

Shri D. D. Seth—Presiding Officer.

Appearances :

For the old Management : Shri P. K. Bose, Advocate.

For Bharat Coking Coal Limited : Shri S. S. Mukherjee.
(Added as a party vide Order No. 6 dt. 24-3-72).

Advocate.

For the Workmen: Shri G. Prasad, Advocate.

State : Bihar.

Industry : Coal.

Dhanbad, the 11th January, 1973.

AWARD

This is a reference made by the Central Government under section 10(1)(d) of the Industrial Disputes Act, 1947 by an order No. L/2012/83/71-LRII dated New Delhi, the 9th September, 1971 in respect of an industrial dispute between the parties mentioned above. The subject-matter of the dispute has been specified in the schedule to the said order and runs as follows :

“Whether the action of the management of South Jharia Colliery, Post Office Jharia, District Dhanbad in stopping from work the following workmen, from the dates mentioned against their names, is justified? If not, to what relief these workmen are entitled?”

Sl. No.	Name of the workmen	Designa- tion	Date of stoppage of work		
				1	2
1.	Karamdeo Dusadh	Trammer	26-1-71		
2.	Fagu Bhua	Miner	21-1-71		
3.	Bishan Bhua	-do-	21-1-71		
4.	Sahadeo Bhua	-do-	21-1-71		
5.	Tilak Bhua	-do-	21-1-71		
6.	Dina Bhua	-do-	21-1-71		
7.	Ashu Bhua	-do-	21-1-71		
8.	Sobi Bhua	-do-	21-1-71		
9.	Latu Mahato	-do-	21-1-71		
10.	Ramdhani Ram	-do-	21-1-71		
11.	Dukhan Bhua	-do-	21-1-71		
12.	Jagdish Bhua	-do-	21-1-71		
13.	Sohan Bhua	-do-	21-1-71		
14.	Mahadeo Bhua No. 1	-do-	21-1-71		
15.	Chaman Bhua	-do-	21-1-71		

1	2	3	4
16.	Mahadeo Bhua No. 2	Miner	21-1-71
17.	Lakhan Bhua	-do-	21-1-71
18.	Chhakanri Bhua	-do-	23-1-71
19.	Jhari Bhua	-do-	21-1-71
20.	Lalo Bhua No. 2	-do-	23-1-71
21.	Bangali Nonia	-do-	23-1-71
22.	Pahalal Manjhi	-do-	23-1-71
23.	Bhagu Manjhi	-do-	23-1-71
24.	Mohan Manjhi	-do-	23-1-71
25.	Bikram Bhua	-do-	23-1-71
26.	Bigan Bhua	-do-	23-1-71
27.	Meghan Bhua	-do-	23-1-71
28.	Lalji Bhula	-do-	23-1-71
29.	Shiban Bhua	-do-	23-1-71
30.	Horil Bhua	-do-	23-1-71
31.	Uttim Bhua	-do-	23-1-71
32.	Sena Bhua	-do-	23-1-71
33.	Beni Bhua	-do-	23-1-71
34.	Mithu Bhua	-do-	23-1-71
35.	Rameshwar Bhua	-do-	23-1-71
36.	Gobardhan Mahato	-do-	23-1-71
37.	Hema Mahato	-do-	23-1-71
38.	Barhan Mahato	-do-	23-1-71
39.	Bullan Bhua	-do-	23-1-71
40.	Devaki Bhua	-do-	23-1-71
41.	Khairoo Bhua	-do-	23-1-71
42.	Sukhdeo Bhua	-do-	23-1-71
43.	Surja Bhua	-do-	23-1-71
44.	Suken Bhua	-do-	23-1-71
45.	Padeo Bhua	-do-	23-1-71
46.	Bideshi Bhua No. 1	-do-	23-1-71
47.	Gopi Bhua	-do-	23-1-71
48.	Nageswar Bhua	-do-	23-1-71
49.	Jadoo Bhua	-do-	23-1-71
50.	Laloo Sao	d-o-	23-1-71
51.	Bhuneswar Mahato	-do-	23-1-71
52.	Janki Sao	-do-	23-1-71
53.	Tuklal Singh	-do-	23-1-71
54.	Badri Singh	-do-	23-1-71
55.	Ramdhani Mahato	-do-	23-1-71
56.	Mahesh Manjhi	-do-	23-1-71
57.	Sanaton Manjhi	-do-	23-1-71
58.	Sona Manjhi	-do-	23-1-71
59.	Rambhadur Kurmi	-do-	23-1-71
60.	Bindeshwari Dhobi	-do-	23-1-71
61.	Gopal Bauri	-do-	21-1-71
62.	Shankar Mochi	-do-	23-1-71
63.	Haroo Singh	-do-	23-1-71
64.	Mahadeo Bhua	-do-	23-1-71
65.	Bijai Bauri	-do-	23-1-71
66.	Jhari Dhobi	-do-	23-1-71
67.	Basu Dhobi	Stone Cutter	23-1-71
68.	Kisto Modi	-do-	23-1-71
69.	Kartik Bauri	-do-	23-1-71
70.	Ramchandra Dusadh	Trammer	27-1-71
71.	Dhikhu Dusadh	-do-	27-1-71
72.	Rambirch Dusadh	-do-	27-1-71
73.	Sagar Sao Dusadh	-do-	27-1-71
74.	Ramchandra Sao	-do-	27-1-71
75.	Mohan Dusadh	-do-	27-1-71
76.	Mahadeo Dusadh	-do-	27-1-71
77.	Ramdhani Dusadh	Huckman	27-1-71
78.	Madan Jaiswara	Miner	27-1-71
79.	Kalu Jaiswara	-do-	27-1-71
80.	Laxman Nonia	-do-	27-1-71
81.	Radhu Buri	-do-	27-1-71
82.	Ganesh Mahato	-do-	27-1-71
83.	Janter Bhua	-do-	27-1-71
84.	Ramchandran Jaiswara	-do-	27-1-71

2. The reference was received by this Tribunal on 15-9-71, and, thereafter, usual notices were issued to the parties. The workmen have filed two written statements. The first written statement is dated 2-11-71 and was received in this Tribunal on 3-11-71. The second written statement of the workmen is dated 26-8-72 and was received in this office on the same date. The employer's written statement is dated 6th March, 1972 and was received in the Tribunal on the same day. On 9-2-72 a notice was issued to the Bharat Coking Coal Limited by my predecessor in office, directing the company to show cause why it should not be made a party to the present dispute. It was added as

party on 24-3-72. A written statement by Bharat Coking Coal Limited was filed on 1-5-72. On 25-10-72 an application was filed by the employers (hereinafter called the management) praying that it may be decided as to which one of the two written statements of the workmen was the original written statement. To this application a reply dated 21-11-72 was filed by the workmen stating that the two written statements submitted by the workmen were not independent of each other but should be treated as supplementary to each other. The record of the Regional Labour Commissioner was received by the Tribunal on 23-10-72 and was placed on the record.

3. The workmen's case, put briefly, is that the workmen of the colliery are members of the Krantikary Koyala Mazdoor Sangh and the Management has granted recognition to that union as the representative organisation of the workers of the colliery. It was also the case of the workmen that there had been a continuous strife between the workers and the employers since the inception of this union in regard to several matters such as, late payments, short payments, and non-implementation of Coal Wage Board Recommendations and on account of this long strife the relationship between the union and the management steadily deteriorated and the management became hostile against all the members of the union and further that on account of this hostility the management stopped work in the colliery for a week locked out the colliery for more than two months and involved the workers in a number of false criminal cases and illegally terminated the services of more than 100 other workers and also recruited new workers in place of the old workers through contractors at a much lower rate. In paragraph 7 of the 1st written statement of the workmen it is stated that one member of the staff of the colliery whose name was revealed during the course of evidence as Babul Gope, Provident Fund Clerk, was assaulted by some unknown persons on his way to the market on 19-1-71 and this incident was utilised by the management to get the Secretary and the General Secretary of the union arrested on trumped up charges on 20-1-71 and later the Management stopped the workmen from their duties in batches on 21-1-71, 23-1-71 and 27-1-71 and stopped one workman on 26-1-71. Thereupon, the union raised an industrial dispute before the Assistant Labour Commissioner (C), Dhanbad on 28-1-71 and the conciliation proceedings started from 6-2-71 and continued till 1-5-71 and during the time the conciliation proceedings continued the management did not allow the workmen to resume work in the colliery without any sufficient reason. According to the workmen the management's action was not justified and amounted to unfair labour practice.

4. The second written statement of the workman contained a list of the concerned workmen together with their designation and the date of the stoppage of work by the management. It was stated in this written statement that all the concerned workmen were permanent workmen of the colliery and that the colliery had stopped the workmen from their work all of a sudden from the date mentioned against the name of each workman given in the schedule of the written statement. It was further stated that the workmen were neither chargedheeted nor suspended for any misconduct nor were retrenched. According to the workmen the action of the management in stopping the concerned workmen from their work was illegal, arbitrary and unjustified and amounted to victimisation on account of their being members of Krantikary Koyala Mazdoor Sangh.

5. The case of the management, on the other hand, is that the present matter is not an industrial dispute and, as such, is outside the scope of the Industrial Disputes Act, 1947. It was also stated that the reference was bad in law and further that neither the workmen nor the union sponsoring their case ever raised any dispute with the management on the issue in reference in the present dispute. In paragraph 5 of the management's written statement it is stated that the management came to know about the matter only when they received the letter dated 6th February, 1971 from the Assistant Labour Commissioner (Central), Dhanbad II in which a copy of the representation made by the workmen before that officer was enclosed. The further case of the management was that there were two rival trade unions of the workmen in the colliery and they were fighting with each other. On 19-1-71 a clerk of the colliery was assaulted on the road leading to the colliery and acid was thrown on his face blinding him completely and on account

of that incident there was great tension between the two groups of workers and the police authorities arrested a number of workmen in the afternoon of 20-1-71. All the arrested workmen belonged to a particular union. According to the management the concerned workmen absented themselves from their normal duties without leave or without intimation on various dates beginning from 20-1-71 and that the management posted a general notice dated 1st February, 1971 on the Notice Board giving the names and designations of 89 absentee workmen and asked them to report for their respective duties immediately along with an explanation in writing regarding the cause of their unauthorised absence from duty. None of the concerned workmen however either reported for duty or submitted any explanation to the management. The management did not start departmental proceedings for misconduct against the concerned workmen on account of the pendency of the conciliation proceedings. It was stated in paragraph 9 of the management's written statement that the union which sponsored the cause of the concerned workmen was the recognised union and, as such, the management could have any malice against the union's activities or against its members. The management contended that the concerned workmen were victims of trade union rivalry between the two unions of the colliery for which the management could not be penalised.

6. In its written statement the Bharat Coking Coal Ltd., has stated that there did not exist any relationship of Employer and Employee between the Bharat Coking Coal Limited and the workmen at the relevant time and that there was no industrial dispute between the workmen and the Bharat Coking Coal Limited, and as such, no award could be passed against the Bharat Coking Coal Limited. It has also been stated that the Bharat Coking Coal Limited is in no way liable or responsible for any act of the past management prior to the date of taking over of the colliery under the provisions of the Coking Coal Mines (Nationalisation) Act, 1972. The company, apart from making these legal submissions adopted the written statement filed by the outgoing employers on merits.

7. The documents filed by the workmen were marked Exts. W1 to W9. The management filed five items of documents which were marked Ext. M1 to M3 and M3(a) and M3(b).

8. The standing orders of the colliery are in the record of the Assistant Labour Commissioner.

9. The preliminary objection of Shri P. K. Bose, Advocate appearing for the management is that the present matter is not an industrial dispute as neither the workmen nor the union sponsoring their case ever raised any dispute with the management which is in issue in the present reference and hence the reference is without jurisdiction and is bad in law. In this connection Shri P. K. Bose examined Shri A. K. Banerjee, (M.W.1) Agent of the colliery from 1956 till 1971. Shri Banerjee stated that there were two trade unions in the colliery and that the Krantikary Koyala Mazdoor Sangh was the recognised union. The witness deposed about the incident of Shri Babul Gope, Provident Fund Clerk on 19-1-71 and further stated that there was great quarrel between the two rival unions about the incident as a result of which police authorities arrested some workmen. The witness further stated that the management did not inform the police authorities about the incident. According to Shri Banerjee large number of workmen absented themselves from the colliery after the incident and the witness (M.W. 1) issued a notice dated 1-2-1971 which bears his signature and was marked Ext. M2. According to M.W.1, by this notice, the management asked the workmen to report for their respective duties. Ext. M2 was exhibited on the Notice Board and also at the Cabin of the Attendance Clerk and at the top of the Pit Mouth. Shri Banerjee (M.W.1) has stated that between the date of incident i.e. 19-1-71 and 17-10-71 when the colliery was taken over by the Central Government the workmen concerned did not approach him regarding any dispute and neither of the two unions also raised any dispute. In cross-examination the witness stated that the incident of Shri Babul Gope took place outside the premises of the colliery and that the colliery management did not file any report regarding the incident with the Police authorities. The witness (M.W.1) was shown a letter dated 22-2-71 addressed by him to the Assistant Labour Commissioner (C), Dhanbad which is on the

file of the Assistant Labour Commissioner and stated that the letter bears his signature. Shri Banerjee (M.W.1) admitted that according to the Standing Orders of the colliery if the workmen absented themselves for more than 10 days it would amount to misconduct and further admitted that the management did not follow the procedure prescribed in paragraph 18 of the Standing Orders and that no chargesheet was issued to the workmen and no explanation was called for from the workmen. Shri Banerjee (M.W.1) also admitted in his cross-examination that the workmen absented themselves after the incident of Shri Babul Gope and further admitted that the management did not apply to the Conciliation Officer under section 33(1)(b) of the Industrial Disputes Act for action being taken against the workmen. It has also been stated by Shri Banerjee (M.W.1) that there is no provisions in the Standing Orders for displaying a notice on the Notice Board about which the mention has been made earlier. According to Mr. Banerjee (M.W.1) no notice was sent to the concerned workmen by registered post or by ordinary post. M.W.1 has admitted that form 'B' register is maintained in the colliery which contains the names and addresses and other particulars of the workmen. It has also been admitted that no letters of dismissal were issued to the workmen till the date of the deposition. Shri Banerjee (M.W.1) admitted that the conciliation proceedings took place before the Regional Labour Commissioner (C), Dhanbad prior to the reference.

10. On behalf of the workmen three witnesses were examined. W.W.1, Shri Harimohan Landey, is the Secretary of the Krantikary Koyal Mazdoor Sangh. He stated that whenever there was any dispute between the management and the workmen either he or the General Secretary used to discuss it with the management. Regarding the present dispute Shri Landey stated that he did put up a demand with the management and said that the management had stopped the workmen from working and asked the management to allow the workmen to resume their work. The witness (W.W.1) proves letters dated 21-1-71 and 27-1-71 sent by the W.W.1 to the Manager of the colliery and stated that these letters bore his signatures. These letters were marked Exts. W1 and W2 respectively. Shri Landey (W.W.1) further stated that after sending these two letters he had telephonic conversation with the Manager regarding the stoppage of work but the Manager of the colliery refused to allow the workmen to resume their work. According to W.W.1 both the Exts. W1 and W2 were sent by him through a peon on a Peon Book which has been marked as Ext. W3. Shri Landey (W.W.1) further stated that he wrote to the Conciliation Officer regarding the industrial dispute between the management and the union and stated that the letter dated 27-1-71 was sent by him to the Assistant Labour Commissioner (C), Dhanbad and it bears his signature. This letter has been marked Ext. W4. Another letter dated 12-4-71 addressed by W.W.1 to the Assistant Labour Commissioner has been marked Ext. W5. Shri Landey (W.W.1) also stated that from 1969 the relation between the management and the union was good but later on deteriorated on account of non-implementation of Wage Board Award and other matters. According to W.W.1 there is another union known as I.N.T.U.C. Union in the colliery but there was no rivalry between the two unions either on 20-1-71 or thereafter. The witness (W.W.1) denied that the workmen themselves had stopped working. In cross-examination Shri Landey stated that he was elected Secretary of the Union but did not exactly remember the date of election. W.W.1 also did not remember the name of the typist who typed Exts. W1 and W2 and admitted in cross-examination that he had no conversation with the Agent or with the Proprietor of the colliery between 20-1-71 and 27-1-71 regarding the present dispute.

11. W.W.2 Shri Akhilchshwar Prasad was working as a Peon in the office of the Krantikary Koyal Mazdoor Sangh stated that he took the two letters Exts. W1 and W2 along with the Peon Book to the management of South Jharia Colliery. W.W.2 further stated that he delivered these letters at the colliery and got the signatures of the clerk on the Peon Book in his presence. In cross-examination W.W.2 stated that he did not know the person to whom he delivered the letters and further stated that the Peon Book (Ext. W3) is the only Peon Book maintained in the union's office.

12. W.W.3 Shri Bishun Bhuria is one of the concerned workmen. He stated that he had gone to the colliery for

work about 2 years ago and further stated that he remembered the date. It was 21-1-71. According to W.W.3 he was not allowed work by the Attendance Clerk. The witness (W.W.3) stated that the management had stopped him and other workers from work. According to W.W.3 he was accompanied by 10 to 15 other workers when he went to the colliery for work. The witness went on to depose that the Attendance Clerk told him and other workers that they were stopped from work and also told him that the workers belonging to red-flag union were not allowed to work. Thereafter he and other workers went to the Manager at about 8 or 9 a.m. for work but they were told that the workers belonging to red-flag union were not allowed to work. After that he and the other workers went to the Secretary of the union. The witness further stated that after 21-1-71 he went to the colliery regularly for work but was not given any work. He did not see any notice on the Notice Board of the colliery and stated that no chargesheet was issued to him. He denied that he had himself stopped going to work. In cross-examination W.W.3 stated that he did not remember the date when the incident of Shri Babul Gope took place and also did not know whether as a result of the incident Shri Babul Gope lost his eyes. The witness stated that he heard about the police authorities having made some arrests on 21-1-71 but he had no personal knowledge. W.W.3 also did not know the name of the Manager of the colliery to whom he went on 21-1-71 and also did not remember the date when he went home but stated that two or three weeks after the incident he went home. The witness (W.W.3) produced two receipts of his membership of the Krantikary Koyal Mazdoor Sangh and these receipts pertained to the years 1968 and 1969 and have been marked Exts. W8 and W9.

13. Shri P. K. Bose contended that no reliance could be placed on Exts. W1, W2 and W3 as nothing about these exhibits was mentioned in any of the two written statements filed by the workmen. According to Shri Bose these exhibits were manufactured documents. Shri Bose contended that if a mention of these exhibits had been made in the written statement of the workmen the management could have produced the clerk concerned who received Exts. W1 and W2 and had signed the Peon Book Ext. W3 and also would have produced the Manager of the colliery. Another ground on which Shri Bose assailed these exhibits was that according to Ext. W1 all the 84 workmen were stopped from working on 21-1-71 while in the order of reference different dates have been mentioned against various workmen in respect of alleged stoppage of work. These dates are between 21-1-71 and 27-1-71. Thus according to Shri Bose the allegations contained in letter dated 21-1-71 (Ext. W1) are not correct and the disputed exhibits namely W1, W2 and W3 are by way of after-thought and have been manufactured for the purposes of this case.

14. It may be stated that it is correct that there is no mention of Exts W1, W2 and W3 or of the telephonic conversation which W.W.1 stated to have had with the Manager in any one of the two written statements filed by the workmen. Even if we discard Exts. W1, W2 and W3, it is an admitted fact that the Assistant Labour Commissioner (C), Dhanbad addressed a letter dated 26-2-71 to the Manager of the colliery. This letter has been admitted by both the parties and has been marked as Ext. M1. The heading regarding the subject of the letter (Ext. M1) is as follows: "Industrial dispute between the Management of South Jharia Colliery and their workmen represented by Krantikary Koyal Mazdoor Sangh over alleged illegal stoppage of work of Shri Karamdeo Dusadh and 83 others".

By Ext. M1 the management was asked to discuss the above mentioned dispute with the Assistant Labour Commissioner.

15. Ext. M2 is a notice dated 1-2-71 which has been filed by the management in which it has been stated that since the night shift of 20-1-71 several workmen were reported to have been absenting themselves from their respective duties. The notice contained a list of such workmen with the dates of stoppage of work against their names and at the end of Ext. M2 it is stated that the workmen mentioned in the list had not applied for leave of absence and did not inform the management about the reason of their absence. Accordingly the management considered such action as illegal and reserved the right to take suitable action in terms of the provisions of the Standing Orders of the establishment.

16. Thus, the record of the Assistant Labour Commissioner (C), Dhanbad shows that the management was asked

to show cause in relation to the dispute raised by the workmen. Hence the demand by the workmen and refusal by the management was there for the existence of an industrial dispute and there was no necessity that the workmen should have directly made a demand with the management. As already stated above Ext. M1 specifically mentions the industrial dispute referred to the Tribunal regarding the stoppage of work by the management as far as the workmen in dispute are concerned. It may also be stated that on receipt of the letter Ext. M1 from the Assistant Labour Commissioner, the management sent a reply which is dated 22-2-71 by which it submitted its comments. The letter dated 22-2-71 sent by the management to the Assistant Labour Commissioner however was not marked as an exhibit before the Tribunal but is on the record of the Assistant Labour Commissioner. The Patna High Court held specifically in *Managing Contractor versus the Presiding Officer and others (C.W.L.C. 1513 of 1969)* that the Assistant Labour Commissioner forwarding a copy of the letter raising the dispute to the employers is sufficient to constitute an industrial dispute. To the same effect is another decision of the Patna High Court in *Standard Coal Company Ltd. versus S. P. Varma (A.I.R. 1952 Patna p. 56)* in which the learned Judges of the Patna High Court observed as follows:

"there may be instances where workers may consider it wholly useless to make a demand for redress on the management and prefer to move the appropriate machinery set up by Government for the redress of their grievances. But nevertheless, it will be an industrial dispute if it comes within the meaning of Section 2(k) of the Act."

In the case before the Patna High Court mentioned above certain demands were made by the workmen through their trade union to the Regional Labour Commissioner and not direct to the management of the colliery but there was material in that case to indicate that the Regional Labour Commissioner had correspondence with the management of the colliery which was aware of the demands made by the workers and from these facts it was held by the Bench of the High Court that it is wholly useless to make a demand with the management and it was open to them to move the appropriate Government for redress of their grievances.

The above two rulings of the Patna High Court are fully applicable in the instant case.

17. Shri P. K. Bose appearing for the management however placed reliance upon a decision of the Supreme Court in *Sindhu Resettlement Corporation Ltd., and Industrial Tribunal of Gujarat and others (1968 (Vol. 16) F.L.R. p. 307)*. I have gone through the case cited by Shri P. K. Bose and, in my opinion, this case is clearly distinguishable as in the case before the Supreme Court, the demand made by the union before the management was for retrenchment compensation. The Conciliation Officer in his report in that case had said that the dispute was in regard to reinstatement. A letter had been written by the workman concerned direct to the Government that he wanted reinstatement. No communication in regard to that matter was made by the Government to the management. No demand was made before the management either direct or through the Government or anybody else for reinstatement of the workman concerned. In such a situation it was held that the industrial dispute was of one kind and the reference was of another kind. In the case before me facts are entirely different. The first contention of Shri P. K. Bose has, therefore, got to be rejected.

18. The next contention of Shri P. K. Bose is that the concerned workmen themselves stopped from their work with effect from 20-1-71 and the management was not responsible for the stoppage of work. It was contended by Shri Bose that the workmen absented themselves without obtaining leave from the management or without giving any intimation to it. It is difficult to imagine that in these hard days of unemployment a large number of workmen would have absented themselves from their respective work in the colliery without any reason. The certified standing orders of the colliery are on the record of the Regional Labour Commissioner. According to the management the concerned workmen absented themselves from their duties with effect from 20-1-71 and a notice is said to have been posted by the management on the Notice Board on 1-2-71 i.e. more than 10 days after the date of the absence of the workmen. Paragraph 18 of the standing orders deals with disciplinary action for misconduct and states that a workman may be suspended or fined or his in-

creement may be stopped, or he may be demoted or dismissed without notice, if he is found guilty of misconduct and sub-paragraph (n) of paragraph 18 says that continuous absence without permission and without satisfactory cause for more than ten days would be a misconduct. Even we assume that the workmen absented themselves without intimation to the management, no disciplinary action seems to have been taken against the workmen as has been admitted by Shri Banerjee, M. W. 1. No chargesheet was served on the workmen who are said to have stopped work and no explanation was called for from them. There is no provision in the Standing Orders of the colliery for posting a notice on the Notice Board as stated by M.W.1. If the workmen had themselves stopped from work, notices ought to have been issued to them and they should have been chargesheeted and a domestic enquiry should have been held. Addresses of all the workmen were known to the management because it has been admitted by M.W.1 that the colliery maintained form 'B' register which is a statutory register. Nothing of the kind was done. If the workmen had really absented themselves without having obtained leave or without having intimated the management, even though the conciliation proceedings were going on, the management could have taken action against the workmen under section 33 of the Industrial Disputes Act with the express permission in writing of the authority before which the proceedings were pending.

19. It is not the case of the management, as it is not stated in its written statement that any one of the concerned workmen assaulted Shri Babul Gope on 19-1-71. It has also been stated that by M.W.1 that the matter was not reported to the Police authorities by the management. We, however, find from a certified copy of the First Information Report which is dated 19-1-71 that a complaint was lodged with the Police Authorities with regard to the incident on 19-1-71 by Shri Sarvajeet Singh, Labour Officer of the colliery. The First Information Report also contains names of some accused persons. The existence of the First Information Report lodged in respect of the incident which took place outside the colliery on 19-1-71 was denied by M.W. 1. It is therefore not possible to place reliance on his statement. The case of the management is that the workmen themselves stopped working in the colliery with effect from 20-1-71. If the workmen had really absented themselves from work, there are provisions in the Standing Orders of the colliery under which action could have been taken against the workmen by the management. It has been admitted by M.W. 1 that neither any chargesheet nor any letter was issued to the workmen regarding the stoppage of their work. According to the Supreme Court's decision in *Workmen employed in B & C Mills, Madras and Management of B & C Mills Madras, 1969 (19) F. L. R. p. 253*, standing orders are part of statutory terms and conditions of service between the employer and employees and they govern the relation between the parties.

20. Shri P. K. Bose, Advocate contended that the present case is a case of abandonment of work by the workmen and not stoppage of work. There is no force in this contention also. In support of his plea Shri Bose relied on a decision of the Supreme Court in *Buckingham & Carnatic Co. Ltd., and Venkatiah and another reported in (1950-67) I S.C.L.J. p. 6*. Absence for 8 consecutive days without leave in Buckingham & Carnatic Co. Ltd's case was deemed by the Supreme Court to be sufficient for termination of the workman's contract of service and it was held that he had thus relinquished or abandoned his employment. In the instant case the workmen had not gone on leave and absented themselves for more than 8 days. If they had done that it would have amounted to abandonment of their employment but this plea of abandonment was never raised by the management in its written statement. The present dispute before me is a case of a stoppage of work by the management and is not a case of abandonment of employment by the workmen. As had already been stated above, according to paragraph 18 of the standing orders of the colliery if the workmen had absented themselves from work without leave or intimation to the management, their conduct would be a misconduct for which suitable action could be taken by the management.

21. For the reasons mentioned above I hold that the workmen did not absent themselves from work but were stopped from working by the management and such action of the management was *mala fide* since no disciplinary action was taken against the workmen by the management which could have been taken under paragraph 18 of the Standing Orders

of the colliery. Action could also have been taken with the permission of the Conciliation Authorities under Section 33 of the Industrial Disputes Act. Since no registered notice or a notice even by ordinary post was sent to the workmen asking them to report for work, the conduct of the management must be held to be *mala fide*. (See decision of the Supreme Court in *Tata Oil Mills Co. Ltd. and their workmen 1966 (13) F.L.R. p. 65*).

22. The last submission of Mr. P. K. Bose was that the concerned workmen were not members of the sponsoring union on the date when the industrial dispute was raised between the parties and hence the present reference is bad in law. Shri Bose drew my attention to section 36 of the Industrial Disputes Act and contented that it has been admitted by W.W. 3 that he did not pay his subscription to the union after 1969. According to Shri Bose he and other workmen could have raised the dispute through the union only if they had authorised the union to do so on a prescribed form. It was held by the Supreme Court in *Western India Watch Co. versus Western India Watch Co. Workers Union and others (1970 (3) Lab. I.C. p. 1033 at page 1035)* as follows: "It follows, therefore, that, though a dispute may initially be an individual dispute, the workmen may make that dispute as their own, that is to say espouse it on the ground that they have a community of interest and are directly and substantially interested in the employment, non-employment, or conditions of work of the concerned workmen. This premise presupposes that though at the date when the cause of the dispute arises that dispute is an individual dispute, such a dispute can become an industrial dispute if it is espoused by the workmen or a substantial section of them after the cause of the dispute e.g., dismissal has taken place. It may be that at the date of such dismissal there is no union or that the workmen are not sufficiently organised to take up the cause of the concerned workman and no espousal for that or any other reason takes place at the time when such cause occurs. But that cannot mean that because there was no such union in existence on that date, the dispute cannot become an industrial one if it is taken up later on by the union or by a substantial section of the workmen."

23. In view of the above decision of the Supreme Court there is no force in Shri Bose's contention. For the reasons mentioned above it must be held that the action of the management in stopping the concerned workmen from their respective work with effect from the dates mentioned against their names in the schedule was not justified and the workmen must be deemed to have been in continuous service of the colliery till the right, title and interest of the owners of the colliery vested absolutely in the Central Government under section 4 of the Coking Coal Mines (Nationalisation) Act, 1972 with effect from 1-5-1972.

24. Now I come to the question of relief. Since the right, title and interest of the old management of the colliery ceased to exist with effect from 1-5-72 and vested in the Central Government and since the workmen have been held to have continued in their service, it is only the Bharat Coking Coal Ltd., which can reinstate them in service.

25. Shri S. S. Mukherjee appearing for Bharat Coking Coal Ltd., contended that on the date the industrial dispute is said to have arisen or on the date when the present reference was made by the Central Government, there was no relationship or employer and employees between the Bharat Coking Coal Ltd., and the workmen and hence the Bharat Coking Coal Ltd., are not concerned with the dispute. Shri Mukherjee drew my attention to section 9 of the Coking Coal Mines (Nationalisation) Act, 1972, the relevant portion of which runs as follows:

"9(i) Every liability of the owner, agent, manager, or managing contractor of a coking coal mine or coke oven plant, in relation to any period prior to the appointed day, shall be the liability of such owner, agent, manager or managing contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government Company.

.....

(b) no award, decree or order of any court, tribunal or other authority in relation to any coking coal mine or coke oven plant passed after the appointed day, but in relation to

any matter, claim or dispute which arose before that day shall be enforceable against the Central Government or the Government company;

(c) no liability for the contravention of any provision of law for the time being in force, made before the appointed day, shall be enforceable against the Central Government or the Government company".

It may be noted that there is no provision in section 9 quoted above against making of an award.

26. The Bharat Coking Coal Ltd., being the successor in interest of the South Jharia Colliery, on the principle laid down by the Supreme Court in *Bihar State Road Transport Corporation and State of Bihar and another (reported in 1970 (II) L.L.J. p. 138)* necessary direction for reinstatement and payment of back wages shall have to be passed against the Bharat Coking Coal Ltd. The facts of the case before the Supreme Court just cited above were as follows: "The Government of Bihar was conducting through one of its departments, called the Rajya Transport Authority, an undertaking of road transport in the State. The concerned workmen was appointed on 27-7-56 by the said authority. On April 20, 1959, the State Government set up as from May 1, 1959 a Corporation known as Bihar State Road Transport Corporation to exercise all the powers and perform all the functions which were till then being exercised and performed by the Rajya Transport Authority. The said authority passed an order dated February 8, 1959 terminating the services of the concerned workman. An industrial dispute having been raised, it was referred to the Labour Court by an order dated February 24, 1961, impleading the Corporation as one of the parties to the reference. The Labour Court held that the order of dismissal was not justified and concluded that the concerned workman was deemed to have continued in the service of Rajya Transport and thereafter of the Corporation as the successor in title of the Rajya Transport and on this basis directed the Corporation to reinstate the concerned workman in his service and pay compensation from February to September, 1959. The Corporation, thereupon, filed an application under Article 226 of the Constitution before the Patna High Court contending *Inter alia*, that the services of the concerned workman having been terminated before the Corporation was set up, his remedy lay against the Rajya Transport and not against the Corporation. The Writ petition was rejected by the Patna High Court. On Appeal the Supreme Court substantially upheld the decision of the Labour Court. The Supreme Court treated the Corporation as the successor in interest of the Rajya Transport authority and held that the concerned workman, in the absence of any valid termination of his service, continued to be in the service of the Corporation since May 1, 1959 and that therefore, the Corporation was bound to pay his wages with all emoluments from May 1, 1959. The Supreme Court further held that for the period from February to April 1959 the Rajya Transport Authority was liable to pay his wages and other emoluments, but the Corporation successor-in-interest of the said authority became liable to pay wages for the period from February to April, 1959 and not from February to September, 1959 as directed by the Labour Court.

27. Shri S. S. Mukherjee tried to distinguish the case of *Bihar State Road Transport Corporation* by contending that in that case Rajya Transport and the Corporation set up by the Bihar Government were the limbs of the same authority and hence that decision is distinguishable. I am afraid, I cannot agree to this contention. The principle of law laid down by the Supreme Court in the case of *Bihar State Road Transport Corporation* is fully applicable in the instant case. The right title and interest of South Jharia Colliery have vested in the Bharat Coking Coal Ltd., with effect from 1st May, 1972 by virtue of section 4 of the Coking Coal Mines (Nationalisation) Act, 1972. Section 17(1) of the said Act lays down that every person who is a workman within the meaning of the Industrial Disputes Act, 1947, and has been, immediately before the 1st of May, 1972 in the employment of a coking coal mine shall become on and from the appointed day an employee of the Government company. In the present case, Bharat Coking Coal Ltd., in which the right, title and interest of the colliery have vested and shall hold service in the mine on the same terms and conditions and with the same rights to pension, gratuity, and other matters as would have been admissible to him if the rights in respect of such a mine had not vested in the Government company As it has been found by me that the workmen had been

stopped from working in the colliery illegally by the old management, the concerned workmen continued and still continue to be in service of Bharat Coking Coal Ltd., since 1st May, 1972 and, therefore, the Bharat Coking Coal Ltd., is bound to pay their wages including all the emoluments to which they are entitled as from 1-5-72. For the period from the date of stoppage of work *i.e.* 20-1-71 till 30-4-72, South Jharia Colliery are liable to pay the wages of the workmen and other emoluments to which they were entitled. The Bharat Coking Coal Ltd., as successor in interest of the said colliery also became liable to pay the said wages from 20-1-71 to 30-4-72 *vide* 1970 (II) L.L.J. p. 138.

28. I accordingly make the following award:—The action of the South Jharia Colliery in stopping the 84 workmen mentioned in the schedule from working with effect from 20-1-71 were not justified. The said workmen are to be reinstated with continuity of service by the management for time being *i.e.* the Bharat Coking Coal Ltd., and the said company shall be liable to pay their wages and other emoluments with effect from 1-5-72. The concerned workmen are also entitled to get their back wages from 20-1-71 to 30-4-72 and the South Jharia Colliery and Bharat Coking Coal Ltd., are jointly and severally liable to pay the same to the workmen concerned.

29. Let a copy of this award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Presiding Officer.

New Delhi, the 3rd February, 1973

S.O. 393.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Nag's Kajora Jambad Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 30th January, 1973.

[No. L-19012/147/71-LRII]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 30 of 1972

Parties :

Employers in relation to the management of Nag's Kajora Jambad Colliery,

AND
Their Workmen.

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearances :

On behalf of Employers—Sri S. Nag, Finance Officer.

On behalf of Workmen—Sri B. S. Azad, General Secretary, Khan Shramik Congress.

State : West Bengal.

Industry : Coal Mine.

AWARD

By Order No. L/1912/147/71-LRII, dated 11th May, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following industrial dispute existing between the employers in relation to the management of Nag's Kajora Jambad Colliery, and their workmen, to this Tribunal, for adjudication, namely:

“Whether the action of the management of Nag's Kajora Jambad Colliery, Post Office Ukhra, District Burdwan,

wan, in stopping from work the following workmen with effect from the 25th August, 1971, is justified? If not, to what relief are these workmen entitled?

S. No.	Name of the workmen	Designation
1.	Shri Bikash Banerjee	Exp. Carrier.
2.	Shri Gora Bouri	Trammer
3.	Shri Manik Muchi	Timber Mazdoor
4.	Shri Atul Bouri	Trammer
5.	Shri Birendra Roy	Timber Mazdoor
6.	Shri Uma Bouri	Haulage Khalasi
7.	Shri Bibeka Nd Roy	Elec. Helper
8.	Shri Jagdish Bouri	Trammer
9.	Shri Sk. Rabbani	Trammer
10.	Shri Sadhan Adhikari	T. Mazdoor
11.	Shri Asoke Banerjee	T. Mazdoor
12.	Shri Sudhir Dome	Clean Mazdoor
13.	Shri Kartick Mukherjee	Haulage Khalasi
14.	Shri Bhaskar Roy	Trammer
15.	Shri Paritosh Roy	Pump Helper
16.	Shri Dhananjoy Chakravarty	Exp. Carrier
17.	Shri Sunil Chatterjee	Pump Helper
18.	Shri Lekhan Mondal	Electrician
19.	Shri Baranasi Roy	Timber Mazdoor
20.	Shri Bhola Ahir	T. Mazdoor
21.	Shri Sk. Mousal	Trammer.

2. Both the parties appeared and filed a compromise petition relating to the matter referred to for adjudication. Parties pray for rendering an award in terms of the compromise petition which they have filed. The terms of the compromise are fair, just, equitable and beneficial to the interest of the workmen. I, accordingly, record the compromise petition and render an award in terms of the compromise petition which shall form part of the award.

S. N. BAGCHI, Presiding Officer.
Dated, January 24, 1973.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL

No. 20, British Indian Street, Calcutta-I
Reference No. 30 of 1972

Parties :

The employers in relation to the management of Nag's Kajora Jambad Colliery, P.O. Ukhra, Dist. Burdwan,

AND

Their workmen represented by Khan Shramik Congress, P.O. Ukhra, Dist. Burdwan.

The employers and workmen jointly beg to state most humbly that by mutual discussion they have decided to settle their dispute which is the subject matter of this Reference on the following terms:—

1. It is accepted by the workmen that the 21 concerned workmen had been working at times as Badli and/or temporary hands in the employers establishment and none of them were permanent workmen.

2. The workmen and the union representing them realise the employers difficulties in offering employment to all the 21 workmen concerned.

3. That considering their mutual difficulties it has been agreed that as a gesture of goodwill the employers will give regular employment to the following 5 workmen out of the

21 concerned workmen as stated below with effect from 4-2-1973 :—

1. Sri Bikash Banerjee
2. Sri Ashoke Banerjee
3. Sri Sk. Robbani
4. Sri Paritosh Roy
5. Sri Sunil Kumar Chatterjee

4. That it is also agreed that whenever any permanent vacancy in the following category i.e. Timber Mazdoor, Trammer, Explosives Carrier, Haulage Khalasi arises in future the 15 workmen named below will be given first preference for the employment by the management according to their respective competency.

1. Sri Gora Bowri, 2. Sri Atul Bowri, 3. Sri Birendra Roy, 4. Sri Uma Bowri, 5. Sri Bibekunanda Roy, 6. Sri Jagadish Bowri, 7. Sri Sadhan Adhikary, 8. Sri Manik Muchi, 9. Sri Sedhir Dome, 10. Sri Kortic Mukherjee 11. Sri Bhaskar Roy, 12. Sri Dhananjoy Chakraborty, 13. Sri Baranashi Roy, 14. Sri Bhola Ahir and 15. Sri Sk. Nausad.

5. That as Sri Lakhan Mondal had already taken his legal dues including full and final payment, the question of providing employment to him does not arise.

6. That the workmen will not be entitled to any other relief.

The parties, therefore, jointly pray that

The Hon'ble Tribunal will be pleased to permit the parties for settling their dispute under Reference on the terms and to pass an Award accordingly treating this petition as a part thereof and for this act of kindness your petitioners shall ever pray.

S. NAG
Authorised representative
and
Finance Manager,
Nag's Kajora Jambad Colliery
P.O. Ukhra, Distt. Burdwan.

B. SING AZAD.
General Secretary,
Khan Shramik Congress,
P.O. Ukhra (Burdwan)

Dated : 23-1-1973.

Witness 1. Sd/-
Witness 2. Sd/-

नई चिल्ली, 17 जनवरी, 1973

आवेदन

का. आ. 394.—यतः केन्द्रीय सरकार की राय है कि इससे उपायदृष्ट अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स ग्रुप्परण राम एण्ड संस, अभूत खान मालिक फाक्थर इमरीतलैया, जिला हजारीबाग की खराँनिया और गौरीशंकर अभूत खानों से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँख्योर्गिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना वांछनीय समझती है ,

अतः, अब, आँख्योर्गिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद के उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आँख्योर्गिक अधिकरण, धनबाद को न्यायनिर्णय के लिए निर्देशित करती है ।

अनुसूची

“क्या मैसर्स ग्रुप्परण राम एण्ड संस, अभूत खान मालिक की फाक्थर इमरीतलैया, जिला हजारीबाग की खराँनिया और गौरीशंकर अभूत खानों, में नियोजित कर्मकारों की, लेणा वर्ष 1968, 1969 और 1970 के लिए उनके द्वारा उपर्योजित मजदूरियों 20 प्रतिशत की दर से बोनस के भुगतान की मांग न्यायोचित है ? यदि नहीं तो कर्मकार उपर्युक्त तीनों वर्षों में, प्रत्येक वर्ष के लिए, बोनस की किस मात्रा के हकदार हैं ?”

[संख्या एल/29011/4/72-एल आर 4]

New Delhi, the 17th January, 1973

ORDER

S.O. 394.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kharonia and Gaurishankar Mica Mines Owned by Messrs. Gurucharan Ram & Sons, Mica Mine Owners, Post Office Jhumritelaiya, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

SCHEDULE

“Whether the demand of the workmen employed in Kharonia and Gaurishankar Mica Mines of Messrs. Gurucharan Ram and Sons, Mica Mine Owners, Post Office Jhumritelaiya, District Hazaribagh for payment of bonus @ 20 per cent of the wages earned by them for the accounting years 1968, 1969 and 1970 is justified? If not, to what quantum of bonus are the workmen entitled for each of the above three years?”

[No. L-29011/4/72-I.R. IV]

नई चिल्ली, 24 जनवरी, 1973

आवेदन

का. आ. 395.—यतः केन्द्रीय सरकार की गया है कि इससे उपायदृष्ट अनुसूची में विनिर्दिष्ट विषयों के बारे में पश्चिम प्रापरटीज लिमिटेड, पिपराडीह, जिला शाहाबाद (पिहार) के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँख्योर्गिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना वांछनीय समझती है ;

अतः अब, आँख्योर्गिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद के उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आँख्योर्गिक अधिकरण (संख्या 2), धनबाद को न्यायनिर्णय के लिए निर्देशित करती है ।

ममूली

(1) क्या निम्नलिखित कर्मकार डालमिया नगर में प्रतिनियुक्ति की प्रवृत्ति के लिए दैनिक भासे भीर मुरली पिपरडीह से डालमिया नगर स्थानांतरण के लिए यात्रा भलों के हकदार हैं?

क्र संख्या	नाम	पदनाम	मूल तैनाती का स्थान
1.	श्री कमलेश्वर सिंह	दरवान	मुरली
2.	श्री हरि सिंह	दरवान	मुरली
3.	श्री अवधेश सिंह	दरवान	मुरली
4.	श्री महेश सिंह	दरवान	मुरली
5.	श्री राम लोकी सिंह	दरवान	मुरली
6.	श्री चन्द्रबहादुर	दरवान	पिपरडीह
7.	श्री विश्वनाथ दुबे	फिटर	पिपरडीह
8.	श्री सारिखा मिस्ट्री	हेमर-मैम	पिपरडीह
9.	श्री देवन राम	सहायक (हेल्पर)	पिपरडीह
10.	श्री महेश्वर प्रसाद	सहायक (हेल्पर)	पिपरडीह

(2) क्या प्रबंधतंत्र की, श्री ज्यारा सिंह, शावल आपरेटर को, पांच दिन के लिए निलंबित करने की कार्रवाई न्यायोचित थी? यदि नहीं तो कर्मकार किस अनुतोष का हकदार हैं?

(3) क्या कर्मकारों की यह मांग कि सर्वश्री रघुबीर सिंह और राजा राम, सहायकों (हेल्परों) को कमशा: बुलहोजर आपरेटर और द्रुक द्वाहुकर नियुक्त किया जाना चाहिए, न्यायोचित है? यदि हां, तो वे कर्मकार किस अनुतोष के हकदार हैं?

[सं. एल./29011(41)/72-एल. आर.-4.]

New Delhi, the 24th January, 1973

ORDER

S.O. 395.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Parshwa Properties Limited, Pipradih District Shahabad (Bihar) and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND, WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Dhanbad constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the following workmen are entitled for daily allowance for the period of deputation at Dalmianagar and travelling allowances on account of transfer from Murli/Pipradih to Dalmianagar?

Sl. No.	Name	Designation	Place of original posting
1.	Sri Kameshwar Singh	Darwan	Murli
2.	Sri Hari Singh	Darwan	Murli
3.	Sri Awadhesh Singh	Darwan	Murli
4.	Sri Mahesh Singh	Darwan	Murli
5.	Sri Ram Loka Singh	Darwan	Murli
6.	Sri Chandra Bahadur	Darwan	Pipradih
7.	Sri Bishwanath Dubey	Fitter	Pipradih
8.	Sri Sarikha Mistry	Hammer-man	Pipradih
9.	Sri Devan Ram	Helper	Pipradih
10.	Sri Maheshwar Pd.	Helper	Pipradih

(2) Whether the action of the management in suspending Shri Pyara Singh, Shaval Operator for five days was justified? If not, to what relief is the workman entitled?

(3) Whether the demand of the workmen that Sarvashri Raghubir Singh and Raja Ram, Helpers, should be appointed as Bulldozer Operator and Truck Driver respectively is justified? If so, to what relief are these workmen entitled?

[No. L-29011(41)/72-LR.IV]

नई दिल्ली, 24 जनवरी, 1973

आदेश

का. आ. 396.—यतः केन्द्रीय सरकार की राय है कि इससे उपराज्य अनुसूची में विनिर्दिष्ट विषयों के बारे में राजस्थान परमाणु शक्ति परियोजना, डाकघर अण्डशक्ति (बारस्ता कोटा), राजस्थान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निवृत्ति करना बांधनीय समझती है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) क्वारा प्रवृत्ति शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक औद्योगिक अधिकारण गठित करती है, जिसके पीठासीन अधिकारण श्री उपदेश नारायण भाधुर होंगे, जिनका मुख्यालय जयपुर होगा और उक्त विवाद को उक्त औद्योगिक अधिकारण को न्यायनिर्णय के लिए निवृत्ति करती है।

अनुसूची

क्या राजस्थान परमाणु शक्ति परियोजना, डाकघर-अण्डशक्ति (बारस्ता कोटा) राजस्थान के प्रबन्धतंत्र द्वारा अपने कर्मचारीयों से पहली अक्टूबर, 1971 से उद्गतीत स्वच्छता प्रमार अस्थिरक है? यदि हां, तो वे किस विस्तार तक पुनरीक्षित किए जाने चाहिए?"

[संख्या एल-29011/38/71-एल. आर.-4.]

New Delhi, the 24th January, 1973

ORDER

S.O. 396.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Rajasthan Atomic Power Project, Post Office Anushakti (via Kota), Rajasthan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Updesh Narain Mathur, as Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether conservancy charges levied by the management of Rajasthan Atomic Power Project, Post Office Anushakti (via Kota), Rajasthan from their employees with effect from 1st October, 1971 are exorbitant? If so, to what extent should they be revised?

[No. L-29011/38/71-LR.IV]

नई दिल्ली, तारीख 25 जनवरी, 1973

आदेश

का. आ. 397.—अतः इंडियन मर्केन्टिल इंश्योरेंस कम्पनी लि. से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच एक आँखोंगक प्रिश्वास का भारत सरकार आँखोंगक अधिकरण, दम्बड़ के न्याय निर्णयन के लिए निदीश किया गया था और उसका अधिनियम, भारत सरकार के श्रम, रोजगार और पुनर्वाप मंत्रालय की अधिसूचना संख्या का. आ. 1584, तारीख 21 अप्रैल, 1970 के साथ भारत के राजपत्र के भाग २, द्वांड ३, उपराण्ड (२), तारीख 2 मई, 1970 में प्रकाशित हुआ था।

और यह: केंद्रीय सरकार को गया में इससे उपावधि अनुग्रहों में विनीदिष्ट प्रश्न की बाबत उक्त अधिनियम के निवेदन के बारे में कठिनाइयां उद्भूत हुई हैं:

अतः अ. आ. आँखोंगक विवाद अधिनियम, 1947 (1947 का 14) की धारा ३८क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार उक्त प्रश्न के उक्त अधिनियम की धारा ७-के अधीन गठित भारत सरकार आँखोंगक अधिकरण (संख्या 2), दम्बड़ के विनियोग के लिए एतद्वारा निर्दीशित करती है।

अनुमूली

इंडियन मर्केन्टिल इंश्योरेंस कम्पनी लिमिटेड और उनके कर्मकारों के बीच तारीख 29 जनवरी, 1970 को हाए समझौते के ज्यान की मांग संख्या 3 के विवरणों के अनुसार भारत सरकार आँखोंगक न्यायाधिकरण दम्बड़ द्वारा मंहगाई भल्ते के पुनर्वाप के सम्बन्ध में दिया गया अधिनियम जो भारत सरकार के श्रम, गंगागार और अन्वायी मंत्रालय की अधिसूचना संख्या का. आ. 1584, दिनांक 21 अप्रैल, 1970 के साथ प्रकाशित हुआ था, तिमाही आँसूत के उपर प्रत्येक पांच अंश बढ़ने वा घटने के लिये या उस तिमाही आँसूत के उपर जिसके सम्बन्ध में मंहगाई भल्ते में अनिवार्य पुनरायोग अनुज्ञात किया गया था, प्रत्येक पांच अंश बढ़ने वा घटने के लिए होना चाहिए।

[म. एफ. ए.ल. 17011/15/72-ए.ल. आर-1]

[स. एफ. ए.ल. 17011/15/72-ए.ल. आर-1]

New Delhi, the 25th January, 1973

ORDER

S.O. 397.—Whereas an industrial dispute between the employers in relation to the Indian Mercantile Insurance Company Limited and their workmen was referred for adjudication to the Central Government Industrial Tribunal, Bombay and its award was published in Part II Section 3, Sub-Section (in) of Gazette of India dated the 2nd May, 1970 with the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No. S.O. 1584 dated the 21st April, 1970.

And, whereas in the opinion of the Central Government difficulties have arisen as to the interpretation of the said award in respect of the question specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 36A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said question for decision to the Central Government Industrial Tribunal (No. 2), Bombay constituted under section 7A of the said Act.

42 G. of 1/72—8.

SCHEDULE

Whether the award relating to revision of dearness allowance given by the Central Government Industrial Tribunal, Bombay, published with the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No. S.O. 1584, dated the 21st April, 1970 in terms of demand No. III of the memorandum of settlement dated the 29th January, 1970 arrived at between the Indian Mercantile Insurance Company Limited and their workmen should be for every five point rise or fall over the quarterly average or rise or fall over the quarterly average in relation to which the last revision in dearness allowance was allowed?

[F. No. 1. 17011/15/72-LR.II]

S. S. SAHASRANAMAN, Under Secy.

New Delhi, the 25th January, 1973.

S.O. 398.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Oriental Fire and General Insurance Company Limited, Kanpur and their workmen, which was received by the Central Government on the 12th January, 1973.

[F. No. 25/29/68-L.R. III(LR.I)]

S. S. SAHASRANAMAN, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.

(CAMP AT ALLAHABAD)

Dated 7th December, 1972.

Case Ref. No. CGIT/LC (R) (6) of 1971.

Parties :

Mr. Justice S. N. Katju—Presiding Officer.

(Notification No. 25/29/68-L.R. III dated 4-9-1968 and subsequent Notification No. 25/29/68-L.R. III (LR.I) dated 13-5-1971).

Parties :

Employers in relation to the Oriental Fire & General Insurance Company Limited, Kanpur and their workmen represented through the Oriental Fire and General Insurance Employees Association, 128-B/72, Kidwai Nagar, Kanpur-4.

Appearances :

For employers—Sri S. C. Mitra.

For workmen—Sri S. V. Desica.

Industry: Insurance Company.

District Kanpur (U.P.).

AWARD

This is a reference under Section 10 of the Industrial Disputes Act 1947. The question referred to is:—

“Whether the management of the Oriental Fire and General Insurance Company Limited, Kanpur was justified in discontinuing the services of Changalal from November, 1967 and if not to what relief is the workman entitled?”

Changalal was employed by the Oriental Fire and General Insurance Company Limited, Kanpur (hereinafter called the Company) on April 15, 1966 and according to him, he was in continuous employment of the Company upto 27-11-1967

and his duties consisted of cleaning latrines, urinals and wash basins and sweeping floors and he was also doing general cleaning work in the premises of the Company. The office of the Company was formerly situated at Bhargava Estate on the Mall Kanpur and was shifted from there in 1967 to more spacious premises near the Central Telegraph Office, Kanpur. It was alleged that the floor area of the premises near the Central Telegraph Office was approximately about 1½ times larger than the premises where the office was located earlier. The workman was said to have been paid a sum of Rs. 2.50 P. per day as his wages without any allowances and was not given a regular grade even after the completion of his probationary period. He claimed that he was entitled to draw a minimum basic salary of Rs. 80/- together with dearness allowance, in the pay scale of Rs. 80-3-119-4-135-5-150. It was further stated by him that his probationary period could not exceed six months and it came to an end on 14-7-1966 and therefore he became a confirmed employee in a regular grade with all the facilities attached to the post with effect from 15-7-1966. He also claimed the benefit of the Provident Fund Scheme of the Company with effect from 15-7-1966 or alternatively from 15-10-1966. According to the workman, the trouble between him and the Company started in October, 1967 when he was not paid his wages for working on a Sunday (October 1, 1967) and on October 2, 1967 which was Mahatma Gandhi's Birthday and a holiday. The Association intervened on his behalf and the employers disliking the workman's approach to the Association started harassing and victimizing him. The matter was referred for conciliation before the Regional Labour Commissioner (Central) Kanpur in which according to the workman the employers misled the Regional Labour Commissioner (Central) and gave wrong information. The workman has contended that he was wrongly removed from service with effect from 28-11-1967. Thereafter the discharge of the workman was discussed at length between the Association and the Regional Manager of the Company before the Asstt. Labour Commissioner (Central) and the Company agreed to take back the workman in its employment. He was reinstated in his service in March, 1968 but again his services were wrongly terminated with effect from March 29, 1968.

The management contended that the workman, Changa Lal, was only required to sprinkle water as a Bhishty and he was paid for the specific work done by him and therefore there was no question of any payment for overtime work done by Changa Lal. There was no work for him after 26-11-1967 and his services were again terminated. Again he was given the work of cleaning windows and panes etc. in March, 1968 and was paid Rs. 45/-. After the work was finished his services were terminated. The management contended that according to the workman himself his services had been terminated finally on March, 29, 1968.

The management has raised a preliminary objection that the reference which requires the consideration of the question whether the Company was justified in discontinuing the services of Changa Lal from November, 1967 is not maintainable. Three other issues in addition to the one as set out in the schedule to the reference were framed by the Tribunal:—

2. Was Changa Lal only doing the work as alleged by the management and as such is not a workman?
3. Is the reference bad in law and beyond the jurisdiction of this Tribunal as alleged by the management?
4. Whether the services of Changa Lal were discontinued in the last week of November, 1967 and not in September, 1967. If so, its effect?

It may be mentioned that originally the date of discontinuance of the services of Changa Lal was mentioned as "September" 1967. Thereafter by a Notification the word "November" was substituted for "September" as set out in the schedule to the reference. The management objected to the aforesaid amendment in the order of reference. The objection was heard by my predecessor and he expressed the view by his order dated 27th October, 1971 that the Government was entitled to correct the aforesaid clerical error and the amendment in the reference was not bad in law. Thus the word "September" in issue No. 4 has to be read as "November".

Issues No. 3 and 4 may be taken together.

Changa Lal has stated in his written statement *cum-rejoinder* that having been appointed in the service of the Company he was in continuous employment "under the disciplinary control of the Company upto 27-11-1967". It was further stated by him that he was "finally removed from service with effect from 28-11-1967 on account of the employers policy of victimisation and malice". He stated that:—

"Immediately after inspection by the Assistant Labour Commissioner and prolonged discussions between the Association and the Regional Manager on 20-2-1968, the Regional Manager agreed to give the workman a regular appointment letter and shortly thereafter reinstated him in service in March, 1968. But shortly thereafter his services were wrongfully terminated with effect from March, 29, 1968."

Again in support of the Central Government amendment order in the schedule to the reference by substituting "November" for "September" it was alleged that Changa Lal "was in continuous service from 15-4-1966 to the last week of November, 1967".

It appears that Changa Lal was 16 or 17 years old when he was first taken in the employment of the Company in 1966. At first Changa Lal stated that his age was 22 years. In his statement before me he stated that he was 25 years old. He filed an extract of a Birth Register before me (Ex. W.14). It gives the father's name as "Jivrakhain Sweeper" and it mentions that a male child was born on 6-11-1947 at Kanpur. The age of the mother is given as 25 years and the number of pregnancy is mentioned as "3rd". Changa Lal stated before me that he was the only issue of his parents and he has no brothers and sisters and he did not know whether any other child was born to his parents before or after he was born. The aforesaid extract of the Birth Register does not conclusively show that it relates to the birth of Changa Lal. It appears that Changa Lal was about 16-17 years old when he was taken in the Company's employment in 1966. It is not unusual for a member belonging to the sweeper community to get employment before he attains majority. Mr. S. C. Mitra contended that Changa Lal's employment in the Company's services was on daily wage basis and this is further supported, apart from the other evidence on record, by the fact that Changa Lal had not attained majority when he was taken in the employment of the Company.

The case of the Company from the very outset was that Changa Lal did not perform any work after the last week of November, 1967 and thereafter Changa Lal was again employed to perform the work of dusting and cleaning of window panes etc. on Rs. 3 per day and the work was finished in 15 days. Changa Lal's own case was that his services were terminated in November, 1967 and it was admitted by him that he was again re-employed in March, 1968 when his services were terminated by the Company. It was argued on behalf of Changa Lal that the Company was not justified in discontinuing his services from November, 1967 and consequently the fact of his re-employment in March, 1968 which was again followed by termination of his service did not materially affect the question as set out in the schedule to the reference and it has to be considered whether the Company was justified in discontinuing his services from November, 1967.

The fact that Changa Lal, according to his own admission, was reinstated in his service in March, 1968, cannot be overlooked and his re-employment in March, 1968 had the effect of bringing him again in the employment of the Company and the final removal of his service in March, 1968 has to be looked into. Under these circumstances, it cannot be said that only the question of the termination of Changa Lal's services in November, 1967 should be looked into and the admitted fact of his reinstatement in March, 1968 could be ignored. There is no escape from the conclusion that Changa Lal was re-employed in March, 1968 and if there is force in his contention that his employment could not be terminated in the manner as it was done by the Company then the fact remains that his services were finally terminated in March, 1968 and not in November, 1967. Under these circumstances, the question as set out in the schedule to the reference cannot be fully answered irrespective of the subsequent happening in March, 1968,

I have, therefore, come to the conclusion that the reference as it stands is defective and I cannot give my award on this basis. My answers to Issues No. 3 and 4 is that Changa Lal's services were discontinued in March, 1968 and not in November, 1967 and the reference before me is bad in law and beyond the jurisdiction of this Tribunal.

According to the Changa Lal, he was employed to work as a Sweeper and not as a Bhishty as alleged by the Company. His case is that he worked for over an year in the employment of the Company. He has placed reliance on clauses 25 and 26 of the settlement dated 5-9-1968 between the All India Insurance Employees Association, Calcutta and the All India Federation of the Oriental Fire & General Insurance Employees Association, Bombay. Clause 25 of the aforesaid settlement says that it will apply with certain amendments which are set out in the clause "to temporary employees of the Company other than those temporary employees who are no longer in service on the date of this Settlement. Clause 26 says:—

- (a) New employees will be recruited on a probationary period of three months and in case the Company considers a further extension necessary, they will have the right to extend the probation for a period not exceeding three months.
- (b) Where the Company has a certain special piece of work to be completed, it may recruit personnel for that specific work and the service of such personnel may be terminated on the special work being completed or within a period of six months whichever is earlier.

Relying on Section 25F of the Act, it was contended on behalf of Changa Lal that he was a workman within the meaning of the Act and he had been in continuous service of the Company for more than an year and he could only be retrenched after the compliance of the conditions set out in the Section. It was urged on behalf of the Company that Changa Lal was employed temporarily on daily wages for doing the work of a Bhishty. In his application to the Company dated 15-4-1966 (Ex. M/1) Changa Lal stated:—

"I understand that you require the services of a waterman in a temporary vacancy on daily wages basis. I, therefore, beg to offer my services for the same. The daily wage rate of Rs. 2.00 per day is acceptable to me."

There are cuttings on 2 places in the aforesaid application. The word "Sub-staff" has been cut and over it has been written "Waterman". Again the word "Leave" before the word "vacancy" has been cut and over the word "leave" the word "temporary" has been written. It was not contended by Changa Lal that the aforesaid cuttings had been made subsequently. Even if the aforesaid cuttings are not taken into consideration the sentence would read thus:—

"I understand that you require the services of a Sub-staff in a leave vacancy on daily basis".

Changa Lal admitted in his deposition before me that "sometimes I used to get wages daily and sometimes after 2 or 3 days". Irrespective of the fact that Changa Lal was employed as a Bhishty or as a Sweeper it cannot be denied that he comes within the definition of a "workman" as given in Section 2(s) of the Act. Sri P. N. Jalota, Asstt. Administrative Officer of the Company has stated in his examination-in-chief that Changa Lal was employed for sprinkling water outside the office. But he admitted in his cross-examination that he did not have personal knowledge of the fact as to what were the working hours of Changa Lal as a Bhishty and he could not say whether Changa Lal never did the "work of cleaning lavatory at any time." It is difficult to believe that there would have been any work of sprinkling water on "Tatties" during the winter months. Changa Lal's case that he was working as a Sweeper was also supported by the evidence of Nokhe Lal who is also working as a Sweeper in the Company. He stated that he had brought Changa Lal and the latter did the work of cleaning bath rooms and sweeping floors. I am not prepared to disbelieve the statement of Changa Lal and Nokhe Lal and hold that while Changa Lal might also have been

doing the work of sprinkling and carrying water he also did the usual work of a sweeper in the premises of the Company. There is, however, sufficient evidence to indicate that Changa Lal was paid on daily wage basis. Vouchers and Receipts Ex. M/12, M/13, M/14, M/15, M/16 and M/38 support the Company's case that payment was made to Changa Lal on the basis of daily wages and sometimes on account of the particular work that he was asked to do. Ex. M/37 relates to the extra payment to Changa Lal for the work done by him beyond office hours. There is nothing to indicate that Changa Lal was paid any fixed monthly salary. Changa Lal remained in the employment of the Company from the time of his initial employment from 15-4-1966 till November, 1967. Since his employment was on daily basis there is no conclusive evidence to indicate that he was employed throughout and there was no break in his service. The provisions of Sec. 25F of the Act relate to a workman who has been employed in continuous service of any industry for not less than one year. Read with clause 25 of the aforesaid settlement of 1968 it was argued that even a temporary workman would come within the ambit of Sec. 25F. Even if that is so and a workman on daily wage basis could be said to come within the meaning of "workman" as envisaged by Section 25F, there must be retrenchment of the workman in order to attract the provisions of the Section 25F.

Sri S. C. Mitra on behalf of the Company relying on Barsi Light Railway Company Ltd. and another Vs. Joglekar (K.N.) and others (1957 I.L.J. SC. p. 243) contended that there could be no retrenchment unless there is discharge of surplus labour or staff. There is nothing on the record to indicate that Changa Lal, was functioning as "surplus labour or staff". According to his own case both he and Nokhe Lal were performing the duties of sweepers in the Company's establishment. It cannot, therefore, be said that the provisions of Sec. 25F apply in the present case. Mr. Mitra placed reliance on Rule 13 of the First Schedule to the Industrial Employment (Standing Orders) Act which says that a worker on day to day work is not entitled to any notice for termination of his services. My answer to the second issue is that Changa Lal was doing the work of a sweeper and he was a workman and the Company was justified in discontinuing his services in November, 1967 and again in March, 1968.

My award, therefore, is that the reference is not maintainable and the workman is not entitled to any relief. I make no order as to costs.

S. N. KATJU, Presiding Officer

नई दिल्ली, 31 जनवरी, 1973

का. आ. 399.—यतः भारत सरकार के श्रम, रोजगार और पूनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का. आ. 4427, दिनांक 5 दिसम्बर, 1967 और इसके साथ पॉइंट अधिसूचना संख्या का. आ. 450 दिनांक 24 जनवरी, 1970 और अधिसूचना संख्या का. आ. 2145, दिनांक 25 मई, 1971 इवारा गठित राष्ट्रीय आँद्योगिक न्यायाधिकरण, धनबाद के कार्यालय में एक पीठारीन अधिकारी का पद खाली हुआ है,

अतः अब आँद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के दावेन्द्री के अनुसरण में केन्द्रीय सरकार एवं दिल्ली राजाजन में इस अधिसूचना के प्रकाशित हांते को तारीख से उक्त राष्ट्रीय आँद्योगिक न्यायाधिकरण का पीठारीन अधिकारी नियुक्त करती है।

[संख्या 17/3/66-एल.आर. 4/आई एड ई(1)]

स्त. स्त. सहस्रनामन, अवर सचिव

New Delhi, the 31st January, 1973

S.O. 399.—Whereas a vacancy has occurred in the office of the Presiding Officer of the National Industrial Tribunal, Dhanbad, constituted by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4427, dated the 5th December, 1967 read with notification No. S.O. 450 dated the 24th January, 1970 and notification No. S.O. 2145 dated the 25th May, 1971;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri Durgeshwar Dayal Seth as the Presiding Officer of the said National Industrial Tribunal, with effect from the date of the publication of the notification in the official Gazette.

[No. 17/3/66-LRIV/I&E(I)]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 22 जून, 1972

आदेश

का. आ. 400.—यतः केन्द्रीय सरकार की राय है कि इसमें उपायकार्य अनुसूची में विनियोगिता विषयों के बारे में कैल प्रॉडक्ट्स प्राइवेट लिमिटेड की विकटरी कॉलियरी (एम. जे. म्यूप) डाकघर नूतनडांगा, जिला बर्द्धान के प्रबन्ध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँदूरीग किवाद विवाद मौजूदा है,

आरं यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निवृत्ति करना बांधनीय समझती है,

यतः अब, आँदूरीग किवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के छण्ड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आँदूरीग क अधिकरण, कलकत्ता को न्यायनिर्णय के लिए निवृत्ति करती है।

अनुसूची

“क्या कैल प्रॉडक्ट्स प्राइवेट लिमिटेड की विकटरी कॉलियरी (एम. जे. म्यूप) डाकघर नूतनडांगा, जिला बर्द्धान के प्रबन्धमण्डल की, उनके पत्र संख्या वी. सी./143/पी. एस. एन./39/71/280 तारीख, 14 मई, 1971 द्वारा श्री दलीप धोखा, भविष्य निधि लिपिक, की सेवा समाप्त करने की कार्यवाही न्यायांचित है? यदि नहीं, तो कर्मकार किस अनुतोष का और किस तारीख से हकदार है?”

[सं. एल./19012/47/72-एल. आर-2.]

वी. शंकरालिंगम, अवर सचिव

New Delhi, 22nd June, 1972

ORDER

S.O. 400.—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Victory Colliery (M. J. Group) of Coal Products Private Limited, Post Office Nutandanga, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Indus-

trial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of Victory Colliery (M. J. Group) of Coal Products Private Limited, Post Office Nutandanga, District Burdwan, in terminating the services of Shri Dilip Ghosh, Provident Fund Clerk, by their letter No. VC/143/PSN/39/71/280, dated the 14th May, 1971, is justified? If not, to what relief is the workman entitled to and from which date?”

[No. L/19012/47/72-LRIV.]

V. SANKARAIJNGAM, Under Secy.

नई दिल्ली, 25 जनवरी, 1973

का. आ. 401.—कर्मचारी भविष्य निधि और कृपाल संशोधन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिकृत करते हुए केन्द्रीय सरकार श्री वी. ए. लक्ष्मीपाल के उक्त अधिनियम और उसके अधीन विविचित किसी स्कीम को प्रयोजनों के लिए केन्द्रीय सरकार के था उसके नियंत्रणाधीन किसी कम्पनी, महापत्तन, खान या तोल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के सम्बन्ध में जिसके एक से अधिक राज्य में विभाग या शाखाएँ हो सम्पूर्ण गुजरात राज्य के लिए एतद्वारा नियंत्रित करती है।

[सं. ए. 12015(1)/70-पी. एफ. 1]

New Delhi, 25th January, 1973

S.O. 401.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in super-session of the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2067 dated the 21st May, 1969, the Central Government hereby appoints Shri V. A. Lakshmiapathy to be an Inspector for the whole of the State of Gujarat for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry, or in relation to an establishment having departments or branches in more than one State.

[No. A. 12015(1)/70-PF.I]

का. आ. 402.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73 व द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसमें उपायकार्य अनुसूची के स्तम्भ (4) में विनियोगित उड़ीसा राज्य की, उक्त अनुसूची के स्तम्भ (3) में विनियोगित उड़ीसा राज्य के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं है, अवस्थिति को ध्यान में रखते हुए उक्त कारबाहों को उक्त अधिनियम के अध्याय 5-क के अधीन उद्योगीय नियोजक के रूप विषेष ग्रन्थिदाय के संबंध से, इस अनुसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए या तब तक के लिए जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उन क्षेत्रों में प्रवृत्त नहीं हो जाता, जो भी पहले हो, एतद्वारा छूट देती है।

प्रमुख स्थानों			
क्र. सं.	जिले का नाम	क्षेत्र का नाम	कारखाने का नाम
(1)	(2)	(3)	(4)
1. कटक	जाजपुर	प्र० ३००६०६०३००	जाजपुर, उ० कटक इलेक्ट्रिकल डिवीजन।
2. संबलपुर	बुरला	ट्रांसमीशन फायर	डिवीजन सं० ११
3. सुंदरगढ़	कालुंगा	कालुंगा शा मिल्स	उडीसा फारेस्ट कारखाने।

[स 3814(33)/72 एच० आई०]

S.O. 402.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule in the State of Orissa in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of provisions of Chapter V of the said Act in those areas, whichever is earlier.

SCHEDULE

Sl. No.	Name of District	Name of Area	Name of Factory
1	2	3	4
1.	Cuttack	Jajpur	N.C.E.D. Cuttack Electrical Division.
2.	Sambalpur	Burla	Transmission Fire Division No. II.
3.	Sundargach	Kalunga	Kalunga Saw Mills Orissa Forest-Corporation.

(No. S. 38014(33)/72-HI)

नई दिल्ली, 30 जनवरी, 1973

का. आ. 403.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-वा प्रदृष्ट शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, सेवा सदन सोसाइटी, बम्बई नामक कारखाने की, ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रदृष्ट हैं, अवैधत को ध्यान में रखते हुए उक्त कारखाने कां उक्त अधिनियम के अध्याय 5-के अधीन उद्धवष्टीय नियोजक के विशेष अधिभदाय के संदाय से इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए एतद्वारा छूट देती है।

[सं. प्र०-38014/28/71-एच० आई०]

New Delhi, 30th January, 1973

S.O. 403.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factory, namely, Seva Sadan Society, Bombay in an area in which the provisions of Chapters IV and V of the said Act are in force, exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the date of publication of this notification in the Official Gazette.

[No. S-38014/28/71-HI]

का. आ. 404.—कर्मचारी भविष्य निधि और कृटम्ब प्र०शन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उप-शारा (1) द्वारा प्रदृष्ट शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 2181 तारीख 12 जून, 1970 की, अधिकान्त, अरते हुए केन्द्रीय सरकार एतद्वारा श्री. ए. ए. भास्कर को उक्त अधिनियम और उसके अधीन विवरीचत रिक्सी स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन रिक्सी स्थापन के संबंध में या रिक्सी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र यानव्यवित उद्योग से संबंधित रिक्सी स्थापन के संबंध में या रिक्सी ऐसे स्थापन में जिसकी शाखाएं या विभाग एक से अधिक राज्यों में हो, सम्पूर्ण मौसूर राज्य के लिए निरीक्षक नियुक्त करती है।

[सं. ए-12016/10/72-पी. एफ. 1]

दलजीत सिंह अवर सचिव

S.O. 404.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2181 dated the 12th June, 1970, the Central Government hereby appoints Shri A. A. Bhaskar, to be an Inspector for the whole of the State of Mysore for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry, or in relation to an establishment having departments or branches in more than one State.

[No. A-12016/10/72-PF. 1]

DALJIT SINGH, Under Secy.

(मूल्य श्रम आयुक्त (केन्द्रीय) का कार्यालय)

नई दिल्ली, 25 जनवरी, 1973

आदेश

का. आ. 405.—यस: मौसर्स कृष्णपा एवं वैसटारें एड वेरीटेस प्रा. लि., (नियोजक) ने नीचे की अनुसूची में वर्णित अपने स्थापनों के संबंध में 31-3-1973 को समाप्त होने वाले लेखा वर्ष के लिए अपने कर्मचारियों को बोनस के सदाय की कालावधि को बढ़ाने के लिए बोनस संदाय अधिनियम, 1965 की धारा 19(ख) के अधीन आवेदन दिया है।

आवेदन: यह समाधान हो जाने पर कि सभी बड़ाने के लिए पर्याप्त कारण हैं, मैंने भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सं. डब्ल्यू बी-20(42)/65 तारीख 28 अगस्त, 1965 के साथ पठित उक्त अधिनियम की धारा 19 के खण्ड (ख) के परन्तु द्वारा मूल्य प्रदृष्ट शक्तियों का प्रयोग करते हुए 14-11-1972 को उक्त नियोजक द्वारा उक्त बोनस के संदाय की कालावधि को अधिनियम की धारा 19 के खण्ड (ख) के अधीन बोनस के संदाय की अंतिम तारीख 1 महीने (अर्थात् 31-12-1972 तक) बढ़ाने का आदेश दे दिया है।

अब इस उक्त स्थापन के नियोजक और सभी कर्मचारियों की सूचना के लिए प्रकाशित किया जाता है।

अनुसूची

नियोजक/नियोजकों

का नाम और पता

कृप्तान्ता एसबरुटोस एण्ड

बैरीट्स प्रा. लि., कुडापा।

संस्थापना

अबस्टस माइन्स

- (1) रेडी अबस्टस माइन्स
- (2) सीता और दौरासानी अबस्टस माइन्स
- (3) कालमनिगुटा एबस्टस माइन्स
- (4) हनुमान एबस्टस माइन्स
- (5) जनरल स्टाफ

बराइट्स माइन्स

- (1) स्टारियम नं. 1 वैराइट्स माइन्स
- (2) स्टारियम नं. 3 वैराइट्स माइन्स
- (3) श्री गान्धी अनाजरिया बराइट्स माइन्स
- (4) क्षालापाली चिर्चिंग सैड

[सं. ग्र. ए. 16(36)/72 एल. एस.-11]

आर. जे. टी. इमेलों,
मूल्य श्रम आयुक्त (केन्द्रीय)

[Office of the Chief Labour Commissioner (Central)]

New Delhi, the 25th January, 1973

ORDER

S.O. 405.—Whereas an application has been made under section 19(b) of the Payment of Bonus Act, 1965 by Messrs. Krishnappa Asbestos and Barytes Pvt. Ltd. (employer) in relation to their establishments mentioned in the Schedule below for extension of the period for the payment of bonus to their employees for the accounting year ending on 31-3-1972.

And whereas being satisfied that there are sufficient reasons to extend the time, I have, in exercise of the powers conferred on me by the proviso to clause (b) of Section 19 of the said Act, read with the notification of the Government of India in the Ministry of Labour and Employment No. WB. 20(42)/65 dated the 28th August, 1965, passed order on 14-11-1972 extending the period for payment of the said bonus by the said employer by one month (i.e. up to 31-12-1972) from the last date for payment of bonus, under clause (b) of Section 19 of the Act.

Now this is published for information of the employer and all the employees of the said establishment.

SCHEDULE

Name and address of
the employer(s)

The Krishnappa Asbestos & Barytes
Pvt. Ltd., Cuddapah.

ESTABLISHMENT

Asbestos Mines

1. Reddy Asbestos Mine.
2. Sita and Dorasani Asbestos Mine.
3. Kalemangutta Asbestos Mine.
4. Hanuman Asbestos Mine.
5. General Staff.

Barytes Mines

1. Shotrium No. I Barytes Mine.
2. Shotrium No. III, Barytes Mine.
3. Sri Gandi Anjaneya Barytes Mine.
4. Thallapalli Chipping Shed.

[No. BA. 16(36)/72-LS. I]

R. J. T. D'MELLO,
Chief Labour Commissioner (Central).

(पुनर्वास विभाग)

नई विल्ली, 30 दिसम्बर, 1973

का. आ. 406.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की जपथारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा पंजाब सरकार के पुनर्वास विभाग में सहायक बन्दोबस्त आयुक्त श्री एच. जी. शिपाटिया को सहायक बन्दोबस्त आयुक्त, पुनर्वास विभाग, पंजाब सरकार को सौंपे गये कार्यों के असिरिकत उपर्युक्त अधिनियम द्वारा या उसके अन्तर्गत बन्दोबस्त आयुक्त को सौंपे गये मुआवजा मूल के अन्तर्गत (1) फिरी भी ग्रामीण क्षेत्र में स्थित कृषि भूमि तथा दूकानें जिनमें मकान, पशु शालाएं तथा खाली स्थान शामिल हैं आं और (2) भारत सरकार के निर्माण आवास एवं पुनर्वास मंत्रालय (पुनर्वास विभाग) को अधिसूचना रखेंगा 3(27)/एल. एवं आर/63-ए दिनांक 5 मार्च, 1984 में उल्लिखित भूमि से संबंधित कार्यों को देखने के लिए पंजाब राज्य में बन्दोबस्त आयुक्त के द्वारा में नियुक्त करती है।

[सं. 1(30)/72-विशेष रोल/एस एस-2]

दोनानाथ असीजा, अवर सचिव

(Department of Rehabilitation)

New Delhi, the 30th December, 1972

S.O. 406.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri H. G. Trighatia, Assistant Settlement Commissioner in the Rehabilitation Department of Punjab Government as Settlement Commissioner in the State of Punjab for the purpose of performing, in addition to his own duties as Asstt. Settlement Commissioner, Rehabilitation Department, Punjab Government, the functions assigned to a Settlement Commissioner by or under the said Act in respect of (i) agricultural lands and shops in any rural area including houses, Cattle-sheds and vacant sites forming part of the Compensation Pool and (ii) the properties referred to in the Notification of the Government of India in the Ministry of Works, Housing & Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R/63-A dated the 5th March, 1964.

[No. 1(30)/72-Spl. Cell/SS.II]

D. N. ASIJA, Under Secy.